



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Wednesday, June 30, 2021

Video and Teleconference

Videoconference:

<https://covaconf.webex.com/covaconf/j.php?MTID=m92ddf8287ba7661661e7c994c38e5b1d>

Meeting password: RrHV32JEG3

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 161 189 9047

Richmond, VA

1:00 P.M.

SBE Board Working Papers



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: Wednesday, June 30, 2021

TELECONFERENCE:

+1-517-466-2023 US Toll

+1-866-692-4530 US Toll Free

Access code: 161 189 9047

VIDEO CONFERENCE:

<https://covaconf.webex.com/covaconf/j.php?MT>

[ID=m92ddf8287ba7661661e7c994c38e5b1d](https://covaconf.webex.com/covaconf/j.php?MT)

Password: RrHVva32JEG3

TIME: 1:00 PM

I. CALL TO ORDER

Robert Brink, Chairman

II. REQUEST FOR LATE ACCEPTANCE FOR ELECT-511

David Nichols

Elections Administration Manager

III. CANDIDATE FILING EXTENSION

David Nichols

Elections Administration Manager

IV. PUBLIC COMMENT

V. ADJOURNMENT

NOTE: Public comment will be offered prior to Board action, but comments will be limited to the specific agenda item in question. An open public comment period will be offered prior to adjournment. Members of the public participating virtually who wish to give public comment on any of the agenda items may do so; if using WebEx, by using the raise hands feature, or if by phone, identifying themselves when the Chair opens the floor to those members of the public attending via telephone.

<https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=32665>



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Request for Late Acceptance for ELECT-511

BOARD WORKING PAPERS
David Nichols
Elections Administration Manager



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise

From: Dave Nichols, Elections Services Manager

Date: June 30, 2021

Re: Request for Late Acceptance for ELECT-511

Suggested motion for a Board member to make if the Board chooses to accept the filings:

Move that the Board accept the ELECT-511 filings from the appropriate party chairs for the following individuals and declare these candidates the nominees of their party for the November 2021 General Election for the office listed on the form:

- David LaRock
- Matthew Lang
- Gina Ciarcia

Applicable Code Section: VA. Code § 24.2-511 A.

Background:

Pursuant to VA Code § 24.2-511 A, the appropriate party chairman are required to certify the name of any candidate who has been nominated for an office of the General Assembly by their party by a method other than a primary not later than five days after the date for nominations to be made (June 8th, 2021). In the instances before the Board, the House of Delegates District Republican party chair for the 33rd and 36th districts did not file the required ELECT-511 nomination form by June 14th, 2021 (five days after the date for nominations to be made). These chairs have asked for the Board to accept these filings as timely under their authority in Va. Code § 24.2-511 A.



ASHBY

June 22, 2021

VIA EMAIL

Virginia State Board of Elections
1100 Bank Street
Richmond, Virginia 23219

Certification of Del. David A. LaRock's Nomination

Dear Chairman Brink, Vice Chair O'Bannon and Secretary LeCruise:

On behalf of Virginia State Delegate David A. LaRock, the Republican nominee for Member of the House of Delegates from Virginia's 33rd Legislative District in the General Election to be held on November 2, 2021, I write to request you to declare that Delegate LaRock is the Republican nominee for Delegate as provided by Section 24.2-511 of the Code of Virginia or, alternatively, to accept the Republican Party of Virginia's certification of his nomination, filed two days after the statutory date for receipt of such certifications. In similar situations in past elections, involving nominees of both the Republican and Democratic parties, the Board exercised discretion to accept late-filed certifications. If the Board will not exercise its authority under Section 24.2-511 to declare Delegate LaRock to be the nominee, then we urge it to exercise its discretion again in this case, as it has done in prior cases.

We are aware that the Republican Party of Virginia, at the invitation of Department of Elections staff, is appealing the staff's rejection of Delegate LaRock's certification. We incorporate by reference and adopt as our own all the Party's arguments in favor of accepting the certification, and respectfully offer the following additional points:

First, there is no dispute that the Republican Party nominated Delegate LaRock for re-election this year. He timely and properly filed as a candidate, was unopposed for the nomination and, when filing closed on March 10, 2021, became the Party's nominee by operation of its rules. The fact that the Party filed its certification of nomination two days after the statutory date does not change the fact that the Party nominated Delegate LaRock. Indeed, there is no disputing the substance of the Party's certification. **In this situation, the Board has clear authority under Virginia law to declare that Delegate LaRock is the Republican nominee in HD-33.** See Va. Code § 24.2-511.



Second, **if the Board does not exercise its authority pursuant to Section 24.2-511, then it should exercise its discretion as it has in prior similar cases.** For example, in 2019 the Board accepted party certifications filed after the statutory date for the nominations of Delegate Terry Kilgore, a Republican, and Delegate Clint Jenkins, a Democrat. This exercise of discretion by the Board balanced the Commonwealth's interest in the orderly administration of elections with the constitutional associational rights of political parties, the voters' interest in competitive elections and full electoral choice, and the timeline for finalizing and printing general election ballots.¹

This year, Delegate LaRock and his team acted diligently to determine and confirm that he had fulfilled the ballot access requirements. Just prior to the statutory filing date, Delegate LaRock's campaign aide contacted the Department of Elections and asked if it had received all necessary filings. Department staff responded that it was missing only the Statement of Economic Interests—which, as an incumbent seeking re-election, Delegate LaRock already had filed with the Virginia Conflict of Interest and Ethics Advisory Council and was not required to file with the Department of Elections. Department staff did not advise Delegate LaRock's aide that it had not yet received his party's certification of his nomination.² **This confluence of administrative errors—an oversight by Department staff, a late filing by a party official—should not work to deny ballot access to Delegate LaRock, who everyone knows was duly nominated, and who himself acted diligently to ensure his name would appear on the General Election ballot.**³

For all these reasons, and those expressed by the Republican Party of Virginia, we request the Board to order the printing of Delegate LaRock's name as the Republican Party's nominee on the ballot for the upcoming General Election. On Delegate LaRock's behalf, thank you in advance for your consideration of this request.

Sincerely,

Chris Ashby

¹ If the Board acts now and accepts the Republican Party's certification of Delegate LaRock's nomination—as it did for Democratic and Republican nominees just two years ago—then there is ample time remaining for the inclusion of Delegate LaRock's name as the Republican nominee in the 33rd House of Delegates District.

² We understand that Department staff similarly omitted Delegate LaRock's name from a list, requested by and provided to the Republican Party of Virginia, of non-primary nominated candidates as to whom it had not yet received all necessary ballot access filings. This is not to suggest that the Department is obligated to produce such a list or bound by it. Rather, it simply illustrates that the Republican Party of Virginia was attempting to ensure that all its nominees would appear on the ballot—and also that sometimes people make mistakes.

³ A party chair's responsibility to certify a candidate's nomination does not empower the Board to deny ballot access to a duly-nominated candidate. Rather, it establishes that the duly-nominated candidate has a legal right to the certification, and provides the statutory basis for a writ of mandamus against a party chair who fails or refuses to make the required certification. *See, e.g., In re Watkins*, 465 S.W.3d 657, 659-60 (Tex. App. 2014) ("The Texas Supreme Court has declined to require rigid adherence to statutory deadlines when a candidate otherwise entitled to a place on the ballot faces elimination from a race because of an election official's failure to perform a nondiscretionary duty through no fault of the candidate. *Davis*, 930 S.W.2d at 583. On that principle, we are to construe deadlines in the Election Code broadly in favor of eligibility and access to the ballot so that decisions are made by voters, not technicalities. **Although Whitmire's filing missed the Election Code deadline by two days, Texas precedent guides us to allow the late filing in the interest of the candidate, who had no fault in the missed deadline, and the voters, who have a significant interest in ballot access and electing candidates of their choosing. Thus, we hold that Watkins is entitled to mandamus relief against Whitmire,** who shall immediately represent the Certificate of Replacement Nomination to Vansa, and against Vansa, who shall immediately comply with section 52.003 and accept the certificate. Once Vansa accepts the certificate, the certification will be deemed timely." (internal citations and quotations omitted)).

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June 22, 2021

Mr. Robert H. Brink, Chair
Dr. John O'Bannon, Vice Chair
Ms. Jamilah D. LeCruise, Secretary
Virginia State Board of Elections
Washington Building
1100 Bank Street, First Floor
Richmond, Virginia 23219

Re: Republican Nominee Certification for 33rd House of Delegates District

Dear Board of Elections:

On behalf of the Republican Party of Virginia (“RPV” or “Party”), we request that the Board of Elections (“Board”) exercise its authority pursuant to Va. Code § 24.2-511 to declare that David A. LaRock is the Party’s nominee for the 33rd House of Delegates District election and print Mr. LaRock’s name in the Republican position on the 2021 general election ballot. In the alternative, we request that the Board accept the Party’s June 16 certification of David A. LaRock as the Party’s nominee for the general election and print his name on the ballot accordingly.

Under Virginia law, where – as in this case – a party chairman fails to timely certify an individual as the party’s nominee, the Board has a duty to “declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.” Va. Code § 24.2-511. Here, it is unquestioned that Mr. LaRock is the Republican nominee; indeed, he was unopposed for the Republican nomination. Accordingly, the Board should certify Mr. LaRock as the Party’s nominee from District 33.

Alternatively, in light of the unique circumstances in this case, the Commission should exercise its discretion and accept the Party chairman’s June 16 certification. Shortly before the filing deadline, Mr. LaRock’s representative inquired with the Department of Elections (“Department”) about his filings and understood from that inquiry that Mr. LaRock’s filings were complete. Additionally, the Party had in place a system for monitoring certifications based on information provided by the Department, but that system failed to provide the Party accurate information. When the Department notified the Party that the certification was missing, the Party chairman immediately submitted the certification.

A certification dated June 16 for a ballot to be printed in September imposes no prejudice upon the Department or the public. By comparison, rejection of the certification imposes tremendous burdens on the public, diminishes voter choice, and profoundly harms the candidate and the

Party's First Amendment right to ballot access. Last year the Circuit Court of Richmond ruled that application of the statutory deadline in that case unconstitutionally "impose[d] a severe burden on constitutionally protected freedoms of speech." *Seventh Cong. Dist. Republican Comm. v. Virginia Dep't of Elections*, 105 Va. Cir. 61 (Rich. Cir. Ct. 2020) (explaining that no harm resulted from a deadline extension requested more than two months in advance of the election). And as recently as 2019, the Board accepted Party certifications submitted after the administrative date set in statute by the Democratic Party's nominee, Clinton Jenkins, and the Republican Party's nominee, Terry Kilgore. Particularly given the additional authorities described herein, the Board has authority here to accept the Party's June 16 certification, place Mr. LaRock on the ballot, and treat him the same as the 2019 candidates who were similarly positioned.

At bottom, and regardless of which of the two analytical routes the Board elects to follow, the result is the same: Mr. LaRock should appear as the Republican nominee on the 2021 general election ballot.

FACTUAL BACKGROUND

1. Mr. LaRock Complied with All Requirements to Qualify as a Candidate and Exercised Due Diligence to Ensure Ballot Qualification.

David LaRock was first elected to the House of Delegates in 2013, and he has served continuously since 2014. This year he complied with all legal requirements to qualify for the ballot in 2021.

Of particular relevance to this appeal, on June 8, 2021, Mr. LaRock's assistant, Daniel Davies, called the Department to inquire about the completeness of Mr. LaRock's ballot qualification submissions. He was informed that Mr. LaRock's submissions had been received and were complete with the exception of one document. That document was Mr. LaRock's Statement of Economic Interest ("SOEI"), which had not been received. Mr. Davies informed the Department that Mr. LaRock was not required to file the SOEI because he was an incumbent seeking re-election to the same office. Based on that conversation, Mr. Davies understood that all necessary paperwork had been filed and nothing further was required. Had the Department apprised him of a missing ELECT-511 form, he would have immediately contacted the Party to secure its submission. *See* Affidavit of Daniel Davies ¶¶ 3-6 (June 21, 2021).

2. The Party Also Exercised Due Diligence to Ensure All Nominees Were Certified, With Assistance from the Department, But the System Broke Down.

Throughout the nomination season, the Party had in place a system for monitoring its certifications. Beginning on March 22, 2021, the Party's General Counsel, Christopher Marston, requested the Department provide "a list of all candidate filings for House primaries" to assist the Party in following up on Party certifications, among other matters. *See* Affidavit of Christopher Marston ¶ 4 (June 21, 2021) (hereinafter "Marston Affidavit") (Email from

June 22, 2021

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Christopher Marston to Department of Elections, March 22, 2021). Department staff was helpful and promised to provide the list and further to send updated lists. *See* Marston Affidavit ¶ 4 (Email from Paul Saunders to Christopher Marston, March 22, 2021). Thereafter, the Department sent updated lists through the end of the filing period, and the Party relied upon the Department's updated lists to ensure local Party chairs would follow up on all Party responsibilities.

On April 27, Mr. Marston returned to the Department for assistance in tracking **non-primary** candidates:

Now that non-primary candidate forms and party certifications are coming in, I'm getting questions about those. Do you think you could do weekly lists of non-primary candidates and whether you've received certificate of candidate qualification, statement of economic interest, and party non-primary certification?

Marston Affidavit ¶ 5 (Email from Christopher Marston to Department of Elections, April 27, 2021).

Department staff helpfully replied:

I can definitely work on putting something together for you. I likely won't have everything pulled together until Friday or possibly Monday, but once I get the spreadsheet initially set-up, it won't take long at all to provide updates moving forward.

Marston Affidavit ¶ 6 (Email from Paul Saunders to Christopher Marston, April 28, 2021).

On May 3, Department staff forwarded a spreadsheet showing Party certifications:

I have attached a list of all of the 511s (non-primary certifications) we have received for Republican candidates so far. The spreadsheet indicates whether or not we have received the reported candidate's qualification paperwork. Let me know if you think including any other information might be helpful. I will send another update at the end of the week unless I hear that you would like it sooner.

Marston Affidavit ¶ 7 (Email from Paul Saunders to Christopher Marston, May 3, 2021).

The Party decided to work from Department updates to follow up on certifications, and that became the Party's tracking mechanism. Several communications and updates were exchanged between the Party and the Department over the following month. Finally, just four days before the statutory deadline, Mr. Marston wrote to the Department:

Could we get an update on candidate qualifications?

Marston Affidavit ¶ 9 (Email from Christopher Marston to Paul Saunders, June 10, 2021).

Later that day, on June 10, the Department again helpfully replied with an update to its original list of Republican non-primary candidates. The list forwarded by the Department was the following:

Saunders, Paul <paul.saunders@elections.virginia.gov> Thu, Jun 10, 2021 at 4:22 PM To: Chris Marston <chris@virginia.gop>

Date Received	Party	Office	District	Candidate	Paperwork Rec'd?	Notes
4/22/21	Republican	HoD	86	Julie Anna Perry	Yes	Qualified
4/27/21	Republican	HoD	31	Benjamin W. "Ben" Baldwin	Yes	Qualified
4/23/21	Republican	HoD	45	Justin D. "J.D." Maddox	Yes	Qualified
4/27/21	Republican	HoD	7	Marie March	Yes	Qualified
4/26/21	Republican	HoD	88	Phillip Scott	Yes	Qualified
5/4/21	Republican	HoD	1	Terry G. Kilgore	Yes	Qualified
5/4/21	Republican	HoD	94	Charles Russell Harper	Yes	Qualified
5/10/21	Republican	HoD	46	Kyle Patrick Rooney	No	
5/12/21	Republican	Attorney Gen		Jason Stuart Miyares	Yes	Qualified
5/10/21	Republican	HoD	75	Howard Otto Wachsmann, Jr	No	
5/14/21	Republican	Governor		Glen Allen Youngkin	501-Yes	SOEI Mailed
5/14/21	Republican	Lt. Governor		Winsome Earle Sears	Yes	Qualified
5/12/21	Republican	HoD	93	Jordan Gray	Yes	Qualified
5/25/21	Republican	HoD	53	Sarah White	Yes	Qualified
5/27/21	Republican	HoD	16	Les R. Adams	Yes	Qualified
5/24/21	Republican	HoD	91	Aijalon Carlton Cordoza	No	
5/27/21	Republican	Hod	37	Kenneth Wade Meteiver	Yes	Qualified
5/14/21	Republican	HoD	71	Nancye Abbott Hunter	Yes	Qualified
5/27/21	Republican	Hod	12	Jason Sherman Ballard	Yes	Qualified
6/1/21	Republican	HoD	40	Harold Pyon	No	
6/1/21	Republican	HoD	50	Steve Pleickhardt	Yes	Qualified
5/22/21	Republican	Hod	13	Christopher Stone	Yes	Qualified
6/1/21	Republican	HoD	69	Sheila Furey	Yes	Qualified
6/4/21	Republican	HoD	11	Charles Henry Nave	Yes	Qualified
6/7/21	Republican	Hod	74	James L. Brooks	Yes	Qualified
6/8/21	Republican	HoD	57	Philip Andrew Hamilton	Yes	Qualified
6/8/21	Republican	Hod	3	James W. Morefield	Yes	Qualified
6/7/21	Republican	Hod	95	David G. Wilson	Yes	Qualified
6/9/21	Republican	HoD	41	John M. Wolfe	Yes	Qualified

Let me know if you have any questions.

Paul G. Saunders, III

Marston Affidavit ¶ 10.

This list added to the names of candidates the Department initially provided on May 3 and included both those where paperwork had been received and those where some paperwork – candidate or party submissions – was missing. Therefore, the Party believed this was the comprehensive list of non-primary candidates in need of attention, and the Party worked from the Department’s list to ensure all necessary Party certifications were complete for the candidates noted. But significantly: Mr. LaRock was omitted from the Department’s list. He had filed all candidate qualification papers, but the Party certification was not submitted. Had that omission been flagged on the Department’s June 10 list, the Party would have followed up immediately with the 33rd district chairman just like it had done to secure the party certification forms for other nominees.

Although this is not to argue that the Department had a legal obligation to send updated lists, it does explain how the Party relied upon the information provided by the Department and worked from the Department’s lists to identify gaps and ensure all administrative forms were submitted. This, in turn, explains how the system the Party relied upon to track and follow up on certifications missed Mr. LaRock’s certification status.

The next communication from the Department regarding Mr. LaRock came on June 16, 2021, informing legislative district chair Mark Sell that the ELECT-511 form was missing. *See* Affidavit of Mark Sell ¶ 6 (June 21, 2021) (hereinafter “Sell Affidavit”).

3. The Party Certified Mr. LaRock as the Party’s Nominee on June 16, 2021.

Based on the information provided by the Department on June 10, and the information provided to Mr. Davies by phone on June 8, Mr. LaRock and the Party believed all requisite paperwork for its nominees had been submitted to the Department. But when a Department representative contacted Mr. Sell to inquire about the ELECT-511 form for Mr. LaRock, Mr. Sell immediately forwarded the form. *See* Sell Affidavit ¶ 6.

Initially, it appeared that the Department accepted the certification. The Department acknowledged receipt of the form with the message:

Thank you for forwarding the ELECT 511 for the 33rd House District.

Sell Affidavit ¶ 6 (Email from Paul Saunders to Mark Sell dated June 16, 2021, 5:16 pm). The next day, however, Department staff informed Mr. Sell that the statutory directive for party chairs to submit certifications had passed (two days earlier, on June 14, 2021) and, therefore, Mr. LaRock “has not qualified for the November 2021 ballot.” The communication continued:

The State Board of Elections will meet on June 22, 2021 at 1 pm. Although this issue will not be on the Board’s agenda at that meeting, you are welcome to attend and make a plea to the Board during the public comment period of the meeting.

Sell Affidavit ¶ 7 (Email from Paul Saunders to Mark Sell dated June 17, 2021, 6:34 pm).

This submission follows up on the Department's invitation to appeal its decision to reject the certification on June 16.

4. Mr. LaRock Is the Party's Nominee for the 33rd House District.

The Republican Legislative District Committee for the 33rd District issued a Call on March 1, 2021, to nominate a House candidate by convention on June 5, 2021. The date for candidates to submit paperwork and pay the filing fee was March 10. As of March 10, Mr. LaRock was the only person to file for nomination. Therefore, under Party rules, he was declared the Party's nominee on March 10.

The Board is thus fully informed that Mr. LaRock is the Party's nominee months before ballots will be printed.

LEGAL ARGUMENT

1. The Board is Required to Certify Mr. LaRock for the General Election Ballot.

Section 24.1-511 of the Virginia Code does not purport to establish a necessary condition of ballot access. Rather, it is a directive to party chairs to file the certifications by a date certain. The statute is titled "Party chairman or official to certify candidates to State Board and general registrars; failure to certify." It does not direct, explicitly or implicitly, the Board to exclude candidates from the ballot. It directs that the "party chairman shall certify the name of any candidate who has been nominated" by a certain date and goes on to provide a savings provision where party chairs "fail to make such certification."¹ Nowhere does the statute purport to set a mandatory "deadline" as a requirement for ballot access.

By contrast, candidate qualification forms required under Sections 24.1-500 are referred to as "a requirement of candidacy" and Section 24.1-503 sets an explicit "deadline" for such forms. A party certification of the identity of its nominee comes later in the process, does not affect the fundamental qualification of the candidate to be included on a ballot, and is not referred to as a "requirement of candidacy" or ballot access. Likewise, Section 24.1-511 does not refer to the party chair's date for filing as a "deadline" carrying the severe consequence of forfeiture of ballot access.²

¹ Texas courts have ruled that a similar provision in Texas statutes is a directive to the political party chair to act promptly, not a prohibition against ballot access. And the remedy for failure of a party chair to make a timely certification is a mandamus action by the candidate, not exclusion from the ballot. *See In re Richard "Opey" Watkins*, 465 S.W.3d 657 (Tex. Ct. App. 2014); *Davis v. Taylor*, 930 S.W.2d 581 (Tex. 1996).

² That Section 24.1-511 does not set a prohibitive deadline, but rather is a directive to parties to act, is further confirmed by reference to subparagraph D of the statute. Subparagraph D contemplates that there are mechanisms – other than a formal party certification by the deadline – that would enable a candidate to appear as a party's nominee on the ballot. *See id.* (providing that "[n]o further notice of candidacy or petition shall be required of a candidate once the party chairman has certified his name to the State Board"). To the extent that Mr. LaRock submits his own request to appear as the Party's nominee on the general election ballot, the Party believes the Board must accept it.

To the contrary, Section 24.2-511 provides that “[s]hould the party chairman fail to make [the required] certification, the State Board shall declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.” Given the Party’s June 16 certification, and the other factors discussed above, the Board has clear knowledge that Mr. LaRock is the Party’s nominee and should certify him accordingly.

The fact that this certification requirement currently resides in § 24.2-511.B rather than § 24.2-511.A is not of legal significance. Prior to recodification of the Virginia Code in 1993, the statute did not include a subsection A or B. *See* 1991 Va. Code § 24.1-169. Instead, the pre-1993 Code appended the Board’s declaration obligation at the end of then-§ 24.1-169 in a manner suggesting that it applied equally to all elections.³ The recodification explicitly disclaimed any intent to create substantive legal changes, meaning that the introduction of lettered subsections in 1993 had no impact on the law’s operation. *See* Report of the Va. Code Comm’n, *Recodification of Title 24.1 of the Code of Virginia* (1993).

2. In the Alternative, the Board Should Exercise Its Discretionary Authority to Certify Mr. LaRock for the General Election Ballot.

Consistent with its explicit mandate to ensure “legality and purity in all elections,” Va. Code § 24.2-103, the General Assembly and courts have acknowledged the Board’s latitude to implement the rules of election administration fairly and constitutionally. *See Parson v. Alcorn*, 157 F. Supp. 3d 479, 486 (E.D. Va. 2016) (characterizing the legislature’s grant of authority pursuant to Va. Code § 24.2-103); Va. Att’y Gen. Op. 14-056 (Dec. 18, 2014) (observing that, “[t]o fulfill its responsibilities, the [Board] is vested with broad authority to adopt reasonable regulations” and may “issue interpretive guidance clarifying the meaning of statutes it is charged with administering”).

To that end, the Board has a long history of applying the statutory date for certifications fairly and equitably. This flexibility has been invoked in recognition of the practicalities (i.e., that ballots are not printed until early September and a deadline in June can be accommodative of oversights), the equities (i.e., that honest mistakes happen), the public interest in a complete ballot that affords choice to voters, and the profound First Amendment rights at stake. *Cf. Van Hollen, Jr. v. Federal Election Commission*, 811 F.3d 486, 501 (D.C. Cir. 2016) (recognizing that a government agency regulating the political process has a “unique prerogative to safeguard the First Amendment when implementing its [legislative] directives”).

The Board has exercised this legal authority fairly over many decades. In 2019, for example, two House of Delegates candidates were certified after the date set for party chair certifications.

³ The fact that Va. Code § 24.1-169 was itself split into two paragraphs is also of no consequence here. When the legislature made § 24.1-169 two paragraphs in 1972, it appears to have done so because certain candidates needed to be certified to the State Board, while other candidates needed certification to both the State Board and local electoral boards. *See* 1972 Acts of Gen. Assembly ch. 620. Nothing on the face of the law suggests that the two-paragraph format was designed to limit the Board’s declaration obligation only to candidates for certain offices.

In the case of the Democratic Party’s certification of Clint Jenkins, the Board considered the efforts of the certification and the First Amendment interests at stake. *See* SBE Board Work Papers for Meeting July 11, 2019. According to the Democratic Party’s appeal, submitted by the law firm Perkins Coie, the Board two weeks earlier had accepted the Party’s certification of Terry Kilgore even though “the State Board did not have any documentary evidence that the certification had been timely submitted.” Letter from Perkins Coie to Virginia State Board of Elections at 3 (July 10, 2019). Mr. Jenkins thus requested that the Board accept his certification “consistent with your decision in the matter of Delegate Kilgore,” *Id.*, and the Board indeed accepted the Democratic Party’s certification of Mr. Jenkins after the statutory date. *See* Minutes of State Board of Elections (July 11, 2019) (accepting certification of Clint Jenkins); Minutes of State Board of Elections (June 28, 2019) (accepting certification of Terry Kilgore).

In 2008, the statutory date for parties to certify their nominees for President and Vice President was in late August. However, the Republican National Convention was scheduled for early September. As of late July that year, the likely nominee, John McCain, had not selected a vice-presidential running mate and it was unclear whether that decision would be announced before Virginia’s statutory date for Party certifications. Therefore, the Republican National Committee sought a resolution of the Board allowing the Party to certify after the statutory date. The Board, under then Chair Jean Cunningham, adopted a formal resolution extending the certification date for both parties’ vice presidential nominees. *See generally* Tyler Whitley, *Late Conventions Force Va. Rule Change*, Richmond Times Dispatch, July 24, 2008.

Undoubtedly in all of these cases the Board considered the practicalities of the ballot printing schedule, the public interest in full voter choice, and the Constitutional rights at stake. The Constitutional rights were further clarified last year, when the Circuit Court of Richmond ruled that the Commonwealth’s statutory deadlines were unnecessarily early on the election schedule calendar and that the state could not justify a compelling need for paperwork formalities so early in the process – at the pain of denying political parties and their nominees access to the ballot and voters robust choices among candidates.

Accordingly, we respectfully request that the Board direct the inclusion of David A. LaRock as the Republican Party of Virginia’s nominee on the 2021 general election ballot.

Sincerely,



Lee E. Goodman



Andrew G. Woodson

June 22, 2021
Page 9

Attachments:

Affidavit of Daniel Davies
Affidavit of Christopher Marston
Affidavit of Mark Sell

AFFIDAVIT OF DANIEL DAVIES

COMMONWEALTH OF VIRGINIA
BEFORE THE VIRGINIA BOARD OF ELECTIONS

In re Republican Party of Virginia)
Certification for 33rd House of Delegates District)

AFFIDAVIT OF DANIEL DAVIES

Under penalty of perjury, I, Daniel Davies, swear and affirm as follows:

1. My name is Daniel Davies. I am over 18 years of age. I reside in the Commonwealth of Virginia. I am competent to testify and I state the following information on the basis of my personal knowledge, information and belief.
2. I serve as a Legislative Assistant and campaign aide to Delegate David A. LaRock, the Delegate representing the 33rd House of Delegates District.
3. In my capacity as aide to Mr. LaRock, on June 8, 2021, I contacted the office of Mr. Alex Nichols in the election administration office of the Virginia Department of Elections (the Department). The purpose of my call was to inquire whether Mr. LaRock’s SBE-501 and all other requisite paperwork and administrative submissions necessary for candidate qualification and ballot access had been submitted and received by the Department and to identify any omissions or additional forms that might need to be submitted. The deadline for party chair certifications was fast approaching and we had sufficient time to submit any necessary paperwork.
4. The Department staff told me that all of Mr. LaRock’s necessary forms had been submitted and received by the Department except one document. He identified the Statement of Financial Interests as missing from Mr. LaRock’s file. I responded that as an incumbent seeking re-election to the same office, Mr. LaRock was not required to file that document with the Department. Our discussion ended.
5. Based on that conversation with the Department staff, I concluded that all necessary paperwork pertaining to Mr. LaRock had been submitted and received. I informed Mr. LaRock that the filings related to his candidacy were complete.
6. Had I been informed on the call of June 8 that Mr. LaRock’s party nominee certification (ELECT-511 Form) had not been received by the Department, I would have immediately told Mr. LaRock and the Republican Party’s Legislative District Chair Mark Sell and followed up to make sure the form was submitted that day. There was time to make that happen. But I relied on the information given to me by the Department’s staff.
7. The statements above are true and accurate to the best of my knowledge, information and belief.

Daniel R. Davies

Daniel Davies

Commonwealth of Virginia
City/County of Loudoun

Acknowledged, subscribed and sworn to by Daniel Davies before me this 21st day of 2021.

Narath Pheng
Notary Signature

Notary Registration No.: 285893

My Registration Expires: 5/31/2024





Alex Nichols

Elections Administration
Virginia Department of Elections



message



call



Telegram



mail



pay

June 8, 2021

2:25 PM **Outgoing Call**

2 minutes

work

(804) 593-2262

work

EA@elections.virginia.gov

Notes

EA@elections.virginia.gov or call a member of the elections administration team:

Alex Nichols (804) 593-2262



Favorites



Recents



Contacts



Keypad



Voicemail

**AFFIDAVIT OF
CHRISTOPHER M. MARSTON**

COMMONWEALTH OF VIRGINIA
BEFORE THE VIRGINIA BOARD OF ELECTIONS

In re Republican Party of Virginia)
Certification for 33rd House of Delegates District)

AFFIDAVIT OF CHRISTOPHER M. MARSTON

Under penalty of perjury, I, Christopher M. Marston, swear and affirm as follows:

1. My name is Christopher Marston. I am over 18 years of age. I reside in the Commonwealth of Virginia. I am competent to testify and I state the following information on the basis of my personal knowledge, information and belief.
2. I serve as General Counsel of the Republican Party of Virginia (“Party” or “RPV”). In my capacity as General Counsel, I assist Party staff, the Republican House Caucus and its staff, and Republican candidates on matters of legal compliance, filings with agencies, and adherence to the Party’s rules.
3. Beginning the Spring of 2021, in anticipation of the many submissions that would be necessary to qualify Republican candidates for the 2021 general election ballot, the Party, working with the Republican House Caucus, devised a system for tracking candidate and Party filings to ensure complete and timely filings to the Virginia Department of Elections (“Department”). The system depended upon the cooperation of the Department to provide the Party regular updated lists of Republican candidates and the status of their filings and work from the information provided by the Department to identify any omissions on a timely basis and make proper filings, or to communicate with Department staff to clarify any miscommunications or mistakes. I was the point of contact with the Department and I forwarded the information I received from the Department to Party and Caucus staff and/or to candidates for appropriate follow up.
4. On March 22, I sent an email to Mr. Paul Saunders of the Department to request “a list of all candidate filings for House primaries” to assist the Party in following up on Party certifications, among other matters. A true and correct copy of that email is attached here as *Exhibit 1*, Email from Christopher Marston to Department of Elections, March 22, 2021. Department staff was very helpful and promised to provide the list and further to send updated lists. A true and correct copy of that email is included in *Exhibit 1*, Email from Paul Saunders to Christopher Marston, March 22, 2021. Thereafter, the Department sent updated lists through the end of the filing period and the Party relied upon the Department’s updated lists to ensure local Party chairs to follow up on all Party responsibilities.
5. Based on the effectiveness of this system on primary candidates, on April 27, I returned to the Department for assistance in tracking **non-primary** candidates, writing to Mr. Saunders again:

“Now that non-primary candidate forms and party certifications are coming in, I’m getting questions about those. Do you think you could do weekly lists of non-primary candidates and whether you’ve received certificate of candidate qualification, statement of economic interest, and party non-primary certification?”

A true and correct copy of that email is attached here as *Exhibit 2*, Email from Christopher Marston to Department of Elections, April 27, 2021.

6. Department staff responded as follows:

“I can definitely work on putting something together for you. I likely won’t have everything pulled together until Friday or possibly Monday, but once I get the spreadsheet initially set-up, it won’t take long at all to provide updates moving forward.”

A true and correct copy that email message is included in *Exhibit 2*, Email from Paul Saunders to Christopher Marston, April 28, 2021.

7. On May 3, Department staff forwarded a spreadsheet showing Party certifications for non-primary nominees. It was a short list at that time. The email communication accompanying the spreadsheet explained the information as follows:

“I have attached a list of all of the 511s (non-primary certifications) we have received for Republican candidates so far. The spreadsheet indicates whether or not we have received the reported candidate’s qualification paperwork. Let me know if you think including any other information might be helpful. I will send another update at the end of the week unless I hear that you would like it sooner.”

A true and correct copy of this email message is attached here as *Exhibit 3*, Email from Paul Saunders to Christopher Marston, May 3, 2021.

8. Throughout the Spring, I continued to communicate with Department staff to obtain timely updates to the information it provided. All this time, the Party and Caucus were working from the information provided by the Department to identify omissions, clear up any mistakes or misunderstandings, track down submissions and complete submissions.
9. As the statutory date for Party certifications approached, on June 10, I wrote for an update to the data again. A true and correct copy of that communication is attached here as *Exhibit 4*, Email from Christopher Marston to Paul Saunders, June 10, 2021.
10. Later that day, on June 10, the Department again helpfully replied with an update to its original list of non-primary candidates and the status of their respective filings, including ELECT-511 certifications and candidate qualification paperwork. The list forwarded by the Department was the following:

Saunders, Paul <paul.saunders@elections.virginia.gov> Thu, Jun 10, 2021 at 4:22 PM To: Chris Marston <chris@virginia.gop>

Date Received	Party	Office	District	Candidate	Paperwork Rec'd?	Notes
4/22/21	Republican	HoD	86	Julie Anna Perry	Yes	Qualified
4/27/21	Republican	HoD	31	Benjamin W. "Ben" Baldwin	Yes	Qualified
4/23/21	Republican	HoD	45	Justin D. "J.D." Maddox	Yes	Qualified
4/27/21	Republican	HoD	7	Marie March	Yes	Qualified
4/26/21	Republican	HoD	88	Phillip Scott	Yes	Qualified
5/4/21	Republican	HoD	1	Terry G. Kilgore	Yes	Qualified
5/4/21	Republican	HoD	94	Charles Russell Harper	Yes	Qualified
5/10/21	Republican	HoD	46	Kyle Patrick Rooney	No	
5/12/21	Republican	Attorney Gen		Jason Stuart Miyares	Yes	Qualified
5/10/21	Republican	HoD	75	Howard Otto Wachsmann, Jr	No	
5/14/21	Republican	Governor		Glen Allen Youngkin	501-Yes	SOEI Mailed
5/14/21	Republican	Lt. Governor		Winsome Earle Sears	Yes	Qualified
5/12/21	Republican	HoD	93	Jordan Gray	Yes	Qualified
5/25/21	Republican	HoD	53	Sarah White	Yes	Qualified
5/27/21	Republican	HoD	16	Les R. Adams	Yes	Qualified
5/24/21	Republican	HoD	91	Aijalon Carlton Cordoza	No	
5/27/21	Republican	Hod	37	Kenneth Wade Meteiver	Yes	Qualified
5/14/21	Republican	HoD	71	Nancye Abbott Hunter	Yes	Qualified
5/27/21	Republican	Hod	12	Jason Sherman Ballard	Yes	Qualified
6/1/21	Republican	HoD	40	Harold Pyon	No	
6/1/21	Republican	HoD	50	Steve Pleickhardt	Yes	Qualified
5/22/21	Republican	Hod	13	Christopher Stone	Yes	Qualified
6/1/21	Republican	HoD	69	Sheila Furey	Yes	Qualified
6/4/21	Republican	HoD	11	Charles Henry Nave	Yes	Qualified
6/7/21	Republican	Hod	74	James L. Brooks	Yes	Qualified
6/8/21	Republican	HoD	57	Philip Andrew Hamilton	Yes	Qualified
6/8/21	Republican	Hod	3	James W. Morefield	Yes	Qualified
6/7/21	Republican	Hod	95	David G. Wilson	Yes	Qualified
6/9/21	Republican	HoD	41	John M. Wolfe	Yes	Qualified

Let me know if you have any questions.

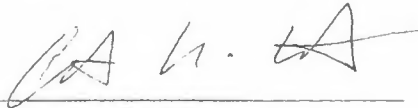
Paul G. Saunders, III

A true and correct copy of the Department's June 10 email and spreadsheet is included in *Exhibit 4*.

11. I believed, and the Party and Caucus believed, that the Department's list was the comprehensive list of non-primary candidates and the Party worked from the Department's list to ensure all necessary Party certifications were complete.

12. David A. LaRock is the duly nominated Republican candidate for the 33rd House of Delegates District. His name was certified to the Board of Elections by the Party's 33rd House District Committee Chair on June 16 and that certification should be credited by the Board. A Board decision not to accept the Party's certification of Mr. LaRock on June 16 will exclude the Republican Party and Mr. LaRock from the ballot in the 33rd House of Delegates District in the general election will have severe negative consequences. The Republican Party of Virginia and Mr. LaRock will be denied a profoundly important First Amendment right to ballot access without any need for the certification on June 14 instead of June 16. Voters in the 33rd House District would be denied fulsome choice on their ballot.

13. The statements above are true and accurate to the best of my knowledge, information and belief.

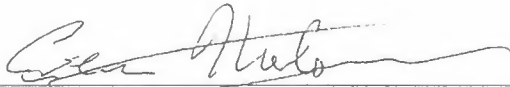


Christopher M. Marston

Commonwealth of Virginia

City/County of ALEXANDRIA

Acknowledged, subscribed and sworn to by Christopher M. Marston before me this 21st day of 2021.



Notary Signature

Notary Registration No.: 784 2037

My Registration Expires: 06/30/2023



EXHIBIT 1

On Mon, Mar 22, 2021 at 2:23 PM Chris Marston <chris@virginia.gop> wrote:

The House Republican Caucus is eager to get a list of all candidate filings for House primaries.

Would it be possible to provide a list of candidates by district who have submitted certificates of candidate qualification and statements of economic interest?

If you could get it to us on Wednesday, listing everyone who had filed by COB on Tuesday, we would have the balance of Wednesday and Thursday to chase down anything missing.

Thanks,
Chris

On Mon, Mar 22, 2021 at 2:25 PM Saunders, Paul <paul.saunders@elections.virginia.gov> wrote:
Chris,

I will have that list to you by 5pm tomorrow.

Paul G. Saunders, III

Elections Administration Supervisor
Virginia Department of Elections
1100 Bank St 1st Floor
Richmond, VA 23219
804.864.8922
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On Tue, Mar 23, 2021 at 4:54 PM Chris Marston <chris@virginia.gop> wrote:

Thanks Paul.

On Tue, Mar 23, 2021 at 4:49 PM Saunders, Paul <paul.saunders@elections.virginia.gov> wrote:

Chris,

I have attached our spreadsheet, which is updated with everything we have received up to 4:40pm today. I have included candidates that did not indicate a party affiliation on their CCQ (marked as independent). If you see any that should be counted for the Republican Party, please let me know.

The "S"'s indicate that the document has been submitted.

I have also included a filing date on the spreadsheet, which I hope is helpful.

Paul G. Saunders, III

Elections Administration Supervisor
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From: **Saunders, Paul** <paul.saunders@elections.virginia.gov>
Date: Wed, Mar 24, 2021 at 5:07 PM
Subject: Re: Candidate Filings
To: Chris Marston <chris@virginia.gop>
Cc: Nichols, David <david.nichols@elections.virginia.gov>

Chris,

I have attached the updating candidate filing spreadsheet. This includes everything that we have received in the office up to 5:00pm today.

Paul G. Saunders, III

Elections Administration Supervisor
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Party/Ind	Office Title	District	Ballot Name	501 Cert of Cand	501 Cert of Cand Qual Filed	502 SOEI (E,	502 SOEI Filed
Republican	House of Delegates	1	Terry Kilgore	S	2/24/21	ethics	1/21/2021
Independent ?	House of Delegates	4	Andrew J.B. Rose	S	2/17/21	S	2/17/2021
Independent ?	House of Delegates	11	Charlie H. Nave	S	2/9/21		
Republican	House of Delegates	12	Jason S. Ballard	S	2/24/21	S	2/24/2021
Republican	House of Delegates	16	Les R. Adams	S	2/9/21	ethics	1/30/2021
Republican	House of Delegates	18	Michael J. Weibert	S	2/17/21	ethics	1/22/2021
Republican	House of Delegates	24	Mark H. Reed	S	2/9/21	S	3/5/2021
Republican	House of Delegates	25	Chris S. Runion	S	2/26/21	ethics	2/1/2021 amended 2/17/21
Republican	House of Delegates	31	Benjamin Baldwin		3/8/21	S	2/17/2021
Independent ?	House of Delegates	33	Paul W. Siker	S	2/1/21	S	3/23/2021
Republican	House of Delegates	55	H.F. "Buddy" Fowler	S	2/16/21	ethics	1/16/21 amended 2/23/21
Republican	House of Delegates	61	Thomas C. Wright Jr	S	2/5/21	ethics	1/12/2021
Independent ?	House of Delegates	70	William A. Hawkins	S	2/1/21		
Independent ?	House of Delegates	78	Jon S. Smithers	S	2/2/21		
Republican	House of Delegates	83	Chris P. Stolle	S	2/17/21	S	3/24/2021
Independent ?	House of Delegates	91	Charles T. West IV	S	2/10/21	S	3/22/2021

Republican	House of Delegates	96	Amanda E. Batten	S		2/23/21	ethics	1/12/2021
Independent ?	House of Delegates	19	Dean D. Davison	S			S	
Republican	House of Delegates	30	Nick Freitas	S		1/13/21	ethics	1/25/2021
Independent ?	House of Delegates	32	Nick Allegro	S		1/25/21		
Republican	House of Delegates	51	Tim Cox	S		1/29/21	S	
Independent ?	House of Delegates	59	Louis V. Scicli	S		1/14/21	S	1/14/21
Republican	House of Delegates	68	Michael Dickinson	S		1/25/21	S	1/25/21
Independent ?	House of Delegates	81	Jeff B. Staples	S		1/27/21		
Independent ?	House of Delegates	99	Robert Harold Easingwood II	S		1/22/21		
Republican	Governor		Merle T. Rutledge Jr	S		1/14/21		
Independent ?	Governor		Frankie Allen Bowers	S				
Independent ?	Governor		Richard B. Clark	S		2/1/21		
Republican	Governor		Peter Doran	S		2/5/21		
Republican	Governor		Octavia L. Johnson	S		2/17/21	S	2/17/2021
Independent ?	Governor		Brad R. Froman	S		2/17/21		
Republican	House of Delegates	14	D.W. "Danny" Marshall	S		3/8/21	ethics	1/6/2021
Republican	House of Delegates	10	Nicholas S. Clemente	S		3/8/21	S	3/12/21

Independent ?	House of Delegates	9	Bridgette Craighead	S			3/8/21			
Republican	House of Delegates	81	Barry D. Knight	S			3/3/21	ethics	1/6/21 amended 1/19/21	
Republican	Governor		Randall Sousa	S			3/3/21			
Republican	House of Delegates	99	Margaret Berans Ransone	S			3/4/21	ethics	1/28/21 amended 3/1/21	
Independent ?	House of Delegates	45	Elizabeth Bennett-Parker					S	3/4/21	
Republican	House of Delegates	97	Scott A. Wyatt	S			3/8/21	ethics	1/29/21 amended 2/26/21	
Republican	House of Delegates	36	Matthew J. Lang	S			3/3/21	S	3/3/21	
Republican	House of Delegates	75	Howard Otto Wachsmann, Jr							
Republican	House of Delegates	78	James A. "Jay" Leftwich, Jr.	S			3/2/21	ethics	1/31/2021	
Republican	House of Delegates	26	Tony O. Wilt	S			3/11/21	ethics	1/29/2021	
Republican	House of Delegates	54	Robert B. "Bobby" Orrock, Sr.	S			3/11/21	ethics	1/20/2021	
Republican	House of Delegates	89	Hahns L. Copeland	S			3/11/21	s	3/11/21	
Republican	House of Delegates	8	Joseph P. "Joe" McNamara	S			3/10/21	ethics	1/10/2021	
Republican	House of Delegates	5	Israel D. O'Quinn	S			3/10/21	ethics	1/10/21 amended 1/25/21	
Republican	House of Delegates	19	Terry L. Austin	S			3/10/21	ethics	1/25/2021	

Republican	House of Delegates	64	Emily M. Brewer	S			3/10/21	ethics	1/29/21 amended 3/9/21
Republican	House of Delegates	22	Isaiah Knight	S			3/12/21	S	3/12/21
Independent ?	House of Delegates	52	Maria Martin	S			3/15/21	S	3/15/21
Republican	House of Delegates	24	Ronnie R. Campbell	S			3/16/21	ethics	1/20/21 amended 2/19/21
Independent ?	Lt. Governor		Edwin D. Payne	S			3/16/21		
Republican	House of Delegates	6	Jeffrey L. Campbell	S			3/16/21	ethics	1/31/2021
Republican	House of Delegates	56	John J. McGuire III	S			3/16/21	ethics	1/28/2021
Republican	House of Delegates	50	Steve T. "Dr. Steve" Pleickhardt	S			3/18/21	S	3/23/21
Republican	House of Delegates	62	Carrie Emerson Coyner	S			3/18/21	ethics	2/1/21 amended 2/11/21
Republican	House of Delegates	29	William D. "Bill" Wiley	S			3/17/21	ethics	1/19/2021
Republican	House of Delegates	20	G. "John" Avoli	S			3/19/21	ethics	1/8/21 amended 1/18/21
Republican	House of Delegates	22	Kathy J. Byron	S			3/19/21	ethics	1/29/2021
Independent	House of Delegates	27	Henry F. "Hank" Staruk III	S			3/19/21		
Republican	House of Delegates	58	Robert Bernard Bell III	S			3/19/21	ethics	1/7/2021
Republican	House of Delegates	71	Nancye A. Hunter	S			3/19/21	S	3/19/21

Republican	House of Delegates	83	Timothy V. Anderson	S		3/19/21	S	3/19/21
Independent ?	House of Delegates	35	Kevin E. McGrath	S		3/22/21		
Republican	House of Delegates	28	Tara A. Durant	S		3/22/21	S	3/22/2021
Republican	House of Delegates	92	Benjamin J. Siff	S		3/22/21	S	3/22/2021
Republican	House of Delegates	77	Geoffrey R. Burke	S		3/22/21	S	3/22/2021
Independent	House of Delegates	41	John M. Wolfe	S		3/22/21		
Independent	House of Delegates	88	Timothy M. Lewis	S		3/22/21	S	3/11/2021
Republican	House of Delegates	27	Roxann L. Robinson	S		3/22/21	ethics	1/31/2021
Republican	House of Delegates	68	Mark L. Earley	S		3/17/21	S	3/17/2021
Republican	House of Delegates	17	Christopher T. Head	S		3/17/21	ethics	1/17/2021
Republican	House of Delegates	72	Christopher T. Holmes	S		3/16/21	S	3/24/2021
Republican	House of Delegates	15	C. Todd Gilbert	S		3/23/21	ethics	2/1/2021
Republican	House of Delegates	59	C. Matt Fariss	S		3/22/21	ethics	1/29/2021
Republican	House of Delegates	9	Charles D. Poindexter	S		3/23/21	ethics	1/26/2021
Republican	House of Delegates	85	Karen S. Greenhalgh	S		3/23/21	S	3/23/2021
Republican	House of Delegates	4	William C. Wampler III	S		3/23/21	ethics	2/1/2021
Republican	House of Delegates	60	James E. Edmunds II	S		3/23/21	ethics	1/29/2021

Republican	House of Delegates	65	R. Lee Ware Jr.	S			3/24/21	ethics	1/22/2021
Republican	House of Delegates	51	Jeffery A. Dove Jr.	S			3/24/21		
Republican	House of Delegates	76	Michael J. Dillender, Sr	S			3/24/21	S	3/24/2021
Republican	House of Delegates	13	Christopher M. Stone	S			3/24/21	S	3/24/2021
Republican	House of Delegates	43	Brenton H. Hammond	S			3/24/21	S	3/24/2021
Republican	House of Delegates	88	Rich N. Breeden	S			3/24/21	S	3/24/2021
Republican	House of Delegates	42	Edward F. McGovern	S			3/24/21	S	3/24/2021
Republican	House of Delegates	57	Philip Andrew Hamilton	S			3/24/21	S	3/24/2021
Republican	House of Delegates	90	Sylvia M. Bryant	S			3/24/21	S	3/24/2021
Republican	House of Delegates	63	Kim A. Taylor	S			3/24/21	S	3/24/2021
Republican	House of Delegates	9	Wren M. Williams	S			3/24/21	S	3/24/2021
Republican	Attorney General		Jason S. Miyares	S			3/24/21		
Republican	House of Delegates	72	Thomas C. Gardner	S			3/24/21	S	3/24/2021
Republican	House of Delegates	100	Robert S. Bloxom, Jr.	S			3/24/21	ethics	1/29/2021
Republican	House of Delegates	79	Lawrence J. Mason	S			3/24/21	S	3/24/2021

EXHIBIT 2



Non-Primary Candidates

24 messages

Chris Marston <chris@virginia.gop>

Tue, Apr 27, 2021 at 4:44 PM

To: "Nichols, David" <david.nichols@elections.virginia.gov>, Paul Saunders <paul.saunders@elections.virginia.gov>

Now that non-primary candidate forms and party certifications are coming in, I'm getting questions about those.

Do you think you could do weekly lists of non-primary candidates and whether you've received certificate of candidate qualification, statement of economic interest, and party non-primary certification?

Also, would you mind just confirming Julie Perry on HD 86. She was one that missed the primary and was nominated by the party as a non-primary, so she's a little nervous.

Thanks,
Chris

Saunders, Paul <paul.saunders@elections.virginia.gov>

Wed, Apr 28, 2021 at 9:57 AM

To: Chris Marston <chris@virginia.gop>

Cc: "Nichols, David" <david.nichols@elections.virginia.gov>

Chris,

I can definitely work on putting something together for you. I likely won't have everything pulled together until Friday or possibly Monday, but once I get the spreadsheet initially set-up, it won't take long at all to provide updates moving forward.

We do have Julie Perry's Certificate of Candidate Qualification and SOEI. Do you know when the Party Certification would have been sent? I am not seeing that we have received that yet.

Paul G. Saunders, III

Elections Administration Supervisor
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[Quoted text hidden]

EXHIBIT 3

Saunders, Paul <paul.saunders@elections.virginia.gov>
To: Chris Marston <chris@virginia.gop>
Cc: "Nichols, David" <david.nichols@elections.virginia.gov>

Mon, May 3, 2021 at 3:56 PM

Chris,

I have attached a list of all of the 511s (non-primary certifications) we have received for Republican candidates so far. The spreadsheet indicates whether or not we have received the reported candidate's qualification paperwork.

Let me know if you think including any other information might be helpful.

I will send another update at the end of the week unless I hear that you would like it sooner.

[Quoted text hidden]

[Quoted text hidden]

 511TrackingRepublican.xlsx
12K

Saunders, Paul <paul.saunders@elections.virginia.gov>
To: Chris Marston <chris@virginia.gop>
Cc: "Nichols, David" <david.nichols@elections.virginia.gov>

Fri, May 7, 2021 at 3:23 PM

Chris,

As promised, here is an updated list of received 511's and the status of the nominated candidate's paperwork.

Party	Office	District	Candidate	Paperwork Rec'd?	Notes
Republican	HoD	86	Julie Anna Perry	Yes	Qualified
Republican	HoD	31	Benjamin W. "Ben" Baldwin	Yes	Qualified
Republican	HoD	45	Justin D. Maddox	No	
Republican	HoD	7	Marie March	501 Yes, SOEI Mailed	
Republican	HoD	88	Phillip Scott	Yes	Qualified
Republican	HoD	1	Terry G. Kilgore	Yes	Qualified
Republican	HoD	94	Charles Russell Harper	No	

[Quoted text hidden]

[Quoted text hidden]

EXHIBIT 4



House Candidate Update

8 messages

Chris Marston <chris@virginia.gop> Thu, Jun 10, 2021 at 11:34 AM
To: Paul Saunders <paul.saunders@elections.virginia.gov>
Cc: "Nichols, David" <david.nichols@elections.virginia.gov>, Joe Wertz <joe@virginiahouse.gop>, Tommy Ewing <Tommy@virginia.gop>

Paul,

Could we get an update on candidate qualification?

Thanks.
Chris

Saunders, Paul <paul.saunders@elections.virginia.gov> Thu, Jun 10, 2021 at 4:22 PM
To: Chris Marston <chris@virginia.gop>

Date Received	Party	Office	District	Candidate	Paperwork Rec'd?	Notes
4/22/21	Republican	HoD	86	Julie Anna Perry	Yes	Qualified
4/27/21	Republican	HoD	31	Benjamin W. "Ben" Baldwin	Yes	Qualified
4/23/21	Republican	HoD	45	Justin D. "J.D." Maddox	Yes	Qualified
4/27/21	Republican	HoD	7	Marie March	Yes	Qualified
4/26/21	Republican	HoD	88	Phillip Scott	Yes	Qualified
5/4/21	Republican	HoD	1	Terry G. Kilgore	Yes	Qualified
5/4/21	Republican	HoD	94	Charles Russell Harper	Yes	Qualified
5/10/21	Republican	HoD	46	Kyle Patrick Rooney	No	
5/12/21	Republican	Attorney Gen		Jason Stuart Miyares	Yes	Qualified
				Howard Otto Wachsmann,		
5/10/21	Republican	HoD	75	Jr	No	
5/14/21	Republican	Governor		Glen Allen Youngkin	501-Yes	SOEI Mailed
5/14/21	Republican	Lt. Governor		Winsome Earle Sears	Yes	Qualified
5/12/21	Republican	HoD	93	Jordan Gray	Yes	Qualified
5/25/21	Republican	HoD	53	Sarah White	Yes	Qualified
5/27/21	Republican	HoD	16	Les R. Adams	Yes	Qualified
5/24/21	Republican	HoD	91	Aijalon Carlton Cordoza	No	
5/27/21	Republican	Hod	37	Kenneth Wade Meteiver	Yes	Qualified
5/14/21	Republican	HoD	71	Nancye Abbott Hunter	Yes	Qualified
5/27/21	Republican	Hod	12	Jason Sherman Ballard	Yes	Qualified
6/1/21	Republican	HoD	40	Harold Pyon	No	
6/1/21	Republican	HoD	50	Steve Pleickhardt	Yes	Qualified
5/22/21	Republican	Hod	13	Christopher Stone	Yes	Qualified
6/1/21	Republican	HoD	69	Sheila Furey	Yes	Qualified
6/4/21	Republican	HoD	11	Charles Henry Nave	Yes	Qualified
6/7/21	Republican	Hod	74	James L. Brooks	Yes	Qualified
6/8/21	Republican	HoD	57	Philip Andrew Hamilton	Yes	Qualified
6/8/21	Republican	Hod	3	James W. Morefield	Yes	Qualified
6/7/21	Republican	Hod	95	David G. Wilson	Yes	Qualified
6/9/21	Republican	HoD	41	John M. Wolfe	Yes	Qualified

Let me know if you have any questions.

Paul G. Saunders, III

Elections Administration Supervisor
Virginia Department of Elections
1100 Bank St 1st Floor
Richmond, VA 23219
804.864.8922
elections.virginia.gov | Follow us @vaElect

AFFIDAVIT OF MARK SELL

COMMONWEALTH OF VIRGINIA
BEFORE THE VIRGINIA BOARD OF ELECTIONS

In re Republican Party of Virginia)
Certification for 33rd House of Delegates District)

AFFIDAVIT OF MARK SELL

Under penalty of perjury, I, Mark Sell, swear and affirm as follows:

1. My name is Mark Sell. I am over 18 years of age. I reside in the Commonwealth of Virginia. I am competent to testify and I state the following information on the basis of my personal knowledge, information and belief.
2. I serve as Chair of the Republican Party of Virginia's Legislative District Committee ("LDC") for the 33rd House of Delegates District. David A. LaRock currently serves as the Delegate representing the 33rd House District in the General Assembly.
3. In my capacity Chair of the LDC, on March 1, 2021, I issued a Call to nominate a Republican candidate to stand for election in the 33rd House District in the upcoming 2021 general election. Pursuant to the terms of that Call, and Republican Party of Virginia rules, David A. LaRock was the only candidate to present himself and qualify for nomination. Therefore, on March 10, 2021, on behalf of the Republican Party of Virginia, I announced that David A. LaRock was the Republican nominee for the 33rd House District and I congratulated Mr. LaRock.
4. David A. LaRock is the duly nominated Republican candidate for the 33rd House of Delegates District.
5. I communicated with Republican Party of Virginia officials and Mr. LaRock throughout the spring and early summer and assumed all of the paperwork necessary to qualify him for the Republican position on the general election ballot had been submitted.
6. On June 16, 2021, I received an email from Paul Saunders of the Department of Elections alerting me, for the first time, that Mr. LaRock's ELECT-511 Form could not be located within the Department. I checked my records and within the hour forwarded the form to Mr. Saunders in order to formally certify David A. LaRock as the Republican Party of Virginia's nominee for the 33rd House of Delegates District election. Mr. Saunders responded by email "Thank you for forwarding the ELECT 511 for the 33rd House District."
7. Mr. Saunders next communication was the next day, June 17, 2021, which stated:

"Unfortunately, the statutory deadline to submit the Party Certification of Non Primary Candidate has passed. The nominated candidate on the form submitted for the 33rd District of the House of Delegates, Dave A. LaRock, has not qualified for the November

2021 ballot. There is no grace period or extension relief provided in the Code of Virginia.

“The State Board of Elections will meet on June 22, 2021 at 1pm. Although this issue will not be on the Board’s agenda at that meeting, you are welcome to attend and make a plea to the Board during the public comment period at the meeting. Please note that the Board will likely not make any determination on the matter at that time.”

8. A Board decision not to accept my certification of Mr. LaRock on June 16 will exclude the Republican Party and Mr. LaRock from the ballot in the 33rd House of Delegates District in the general election will have severe negative consequences. The Republican Party of Virginia and Mr. LaRock will be denied a profoundly important First Amendment right to ballot access in the absence of any need for the certification on June 14 instead of June 16. Voters in the 33rd House District would be denied full choice between competing parties and candidates on their ballot.
9. The statements above are true and accurate to the best of my knowledge, information and belief.

Mark Sell
Mark Sell

Commonwealth of Virginia
City/County of Loudoun

Acknowledged, subscribed and sworn to by Mark Sell before me this 21st day of 2021.

Margaret Jones
Notary Signature

Notary Registration No.: 7783157

My Registration Expires: 4/30/2022





Republican Party of Virginia

www.virginia.gop

June 29, 2021

Hon. Robert H. Brink, Chair
Hon. John O'Bannon, Vice-Chair
Ms. Jamilah D. LeCruise, Secretary
Virginia State Board of Elections
1100 Bank St Fl 1
Richmond VA 23219

Re: Certification of Republican Nominees in House Districts 2 and 36

Dear State Board of Elections:

On behalf of the Republican Party of Virginia, I submit this request for the Board to accept the Party's certifications of Gina Ciarcia as the Party's nominee for House District 2 and Matthew John Lang as the Party's nominee for House District 36.

My colleagues, Lee Goodman and Andrew Woodson, wrote to you earlier regarding the Party's certification of David A. LaRock as the Party's nominee for House District 33. The circumstances surrounding the Party's certification for House Districts 2 and 36 are very similar. From their letter, you are aware of efforts the Party made to ensure the timely submission of candidate and party certification paperwork. Like Mr. LaRock, Ms. Ciarcia and Mr. Lang completed all candidate qualification paperwork, but were not included on the list the Department provided to the Party prior to its certification deadline.

I have attached affidavits from the Legislative District Chairs for House Districts 2 and 36 reciting the details of the nominating processes that result in the nominations of Ms. Ciarcia and Mr. Lang, as well as the efforts made to certify those nominations. In House District 2, Heather Mitchell notes that she attempted to e-mail the certification to the Department on or about May 22, and that she provided an additional completed certification form to the Department on June 23 after I notified her that the Department's list of candidates indicated that Ms. Ciarcia had not been certified. In House District 36, Robert Kenyon notes that he sent his certification by mail on June 10 anticipating that it would be delivered by June 14.

Additionally, Ms. Ciarcia informs me that she, like Del. LaRock's aide, Daniel Davies, contacted the Department of Elections to inquire on the status of her nominations

The Richard D. Obenshain Center • 115 East Grace Street • Richmond, Virginia 23219 • 804-780-0111

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on April 30 and was informed that she had qualified. She also received similar assurances from the Prince William County Office of Elections on both May 21 and June 8.

In both House District 2 and House District 36, the legislative district chairmen made reasonable efforts to timely certify the nominations. You are aware of the overall efforts made by the Party to ensure timely filing described in the letter from Messrs. Goodman and Woodson.

In both House District 2 and House District 36, the nominees both timely met all requirements for candidate filings—the certificate of candidate qualification and the statement of economic interest.

The statutory and constitutional analysis provided by Messrs. Goodman and Woodson apply with equal force to the situations in House District 2 and House District 36.

For these reasons, and in accord with the Board’s precedents in 2019, I respectfully request, on behalf of the Republican Party of Virginia, that the Board accept the Party’s certifications of Gina Ciarcia in House District 2 and Matthew John Lang in House District 36 as the Party’s nominees for inclusion on the 2021 general election ballot.

Sincerely,



Christopher M. Marston,
General Counsel

Attachments:

- Affidavit of Heather Mitchell
- Affidavit of Robert Kenyon

COMMONWEALTH OF VIRGINIA
BEFORE THE VIRGINIA BOARD OF ELECTIONS

In re Republican Party of Virginia)
Certification for 2nd House of Delegates District)

AFFIDAVIT OF HEATHER MITCHELL

Under penalty of perjury, I, Heather Mitchell, swear and affirm as follows:

1. My name is Heather Mitchell. I am over 18 years of age. I reside in the Commonwealth of Virginia. I am competent to testify and I state the following information on the basis of my personal knowledge, information and belief.
2. I serve as Chair of the Republican Party of Virginia’s Legislative District Committee (“LDC”) for the 2nd House of Delegates District. Candi King currently serves as the Delegate representing the 2nd House District in the General Assembly.
3. In my capacity as Chair of the LDC, with no candidates filing before the March 25 deadline, I issued a Call on May 9, 2021 for a Canvas to take place on June 6, 2021 with a deadline to file on May 22, 2021 to nominate a Republican candidate to stand for election in the 2nd House District in the upcoming 2021 general election. Pursuant to the terms of that Call, and Republican Party of Virginia rules, Gina Ciarcia was the only candidate to present herself and qualify for nomination. Therefore, on May 22, 2021, on behalf of the Republican Party of Virginia, I announced that Gina Ciarcia was the Republican nominee for the 2nd House District and I congratulated Ms. Ciarcia. I then emailed the ELECT-511 Form to the Virginia Board of Elections.
4. Gina Ciarcia is the duly nominated Republican candidate for the 2nd House of Delegates District.
5. On June 23, 2021, I received an email from Chris Marston, General Counsel for RPV, alerting me, for the first time, that Ms. Ciarcia’s ELECT-511 Form could not be located within the Department. I re-filled out the ELECT-511 Form and emailed it to Mr. Marston in order to formally certify Gina Ciarcia as the Republican Party of Virginia’s nominee for the 2nd House of Delegates District election.
6. On June 28, 2021 I was notified by Gina Ciarcia that she was not on the ballot and I needed to speak with Alex Nichols from the Board of Elections. I called Mr. Nichols and he notified me that I would need to email him the ELECT-511 Form ASAP. Within 5 minutes of speaking with Mr. Nichols I forwarded him the ELECT-511 Form. I received an email that he received the form with no further instructions.

7. A Board decision not to accept my certification of Ms. Ciarcia will exclude the Republican Party and Ms. Ciarcia from the ballot in the 2nd House of Delegates District in the general election, which will have severe negative consequences to the constituents in the 2nd House District. The Republican Party of Virginia, Ms. Ciarcia, and the Voters of the 2nd House District will be denied a profoundly important First Amendment right to ballot access in the absence of certification and will be denied full choice between competing parties and candidates on their ballot.
8. The statements above are true and accurate to the best of my knowledge, information and belief.

Heather Mitchell
Heather Mitchell

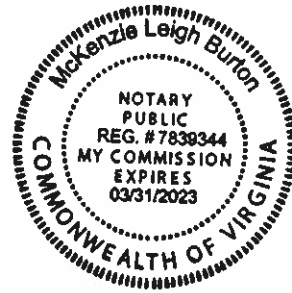
Commonwealth of Virginia
City/County of Stafford

Acknowledged, subscribed and sworn to by Heather Mitchell before me this 29th day of June, 2021.

Mckenzie Leigh Burton
Notary Signature

Notary Registration No.: 7839344

My Registration Expires: 03/31/2023



**COMMONWEALTH OF VIRGINIA
BEFORE THE VIRGINIA BOARD OF ELECTIONS**

In re Republican Party of Virginia)
Certification for 36th House of Delegates District)

AFFIDAVIT OF ROBERT KENYON

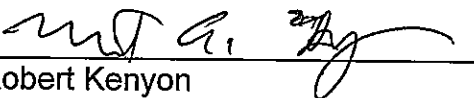
Under penalty of perjury, I, Robert Kenyon, swear and affirm as follows:

1. My name is Robert Kenyon. I am over 18 years of age. I reside in the Commonwealth of Virginia. I am competent to testify and I state the following information on the basis of my personal knowledge, information, and belief.
2. I serve as Chair of the Republican Party of Virginia's Legislative District Committee ("LDC") for the 36th House of Delegates District.
3. In my capacity as Chair of the LDC, on March 9, 2021, I issued a Call to nominate a Republican candidate, by convention, to stand for election in the 36th House District in the upcoming 2021 general election. Pursuant to the terms of that Call, and Republican Party of Virginia's Party Plan, Matthew John Lang was the only candidate to present himself and qualify for nomination. Therefore, on April 4, 2021, on behalf of the Republican Party of Virginia, I announced that Matthew John Lang was the Republican nominee for the 36th House District.
4. Matthew John Lang is the duly nominated Republican candidate for the 36th House of Delegates District.
5. I communicated with Republican Party of Virginia officials and Mr. Lang's campaign throughout the spring and early summer, and mailed out the ELECT-511 Form on June 10, 2021, via USPS Priority Mail. Any reasonable person, looking at the guidance on the Department of Elections site, would be led to believe that postmarks govern in this instance, as they do for campaign finance reports. There is no countervailing statement I was able to locate on the site. It was also certainly reasonable to expect that the form would be delivered to the Department by June 14, the deadline for submission, as I was assured at the post office. I also obtained signature confirmation for the delivery along with the tracking. I am confident that I made a timely and reasonable effort to meet the submission deadline.
6. On June 23, 2021, I received an email from Paul Saunders of the Department of Elections alerting me, for the first time, that the ELECT-511 form did not arrive before the deadline: *"Unfortunately, the statutory deadline to submit the Party Certification of Non Primary Candidate passed on June 14, 2021. The Party Certification for the 36th district did not arrive in our offices until June 16, 2021. The nominated candidate on the form submitted for the 36th District of the House of Delegates, Matthew John Lang, has not qualified for the November 2021 ballot."*

7. USPS Tracking and Signature Confirmation indicate that the form was delivered on June 15 at 10:44 AM, signed for by "M. MCDANIEL".

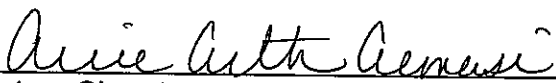
8. A Board decision not to accept my certification of Mr. Lang will exclude the Republican Party and Mr. Lang from the ballot in the 36th House of Delegates District in the general election will have severe negative consequences. The Republican Party of Virginia and Mr. Lang will be denied a profoundly important First Amendment right to ballot access in the absence of any need for the certification on June 14, despite reasonable efforts to comply. Voters in the 36th House District would be denied full choice between competing parties and candidates on their ballot.

9. The statements above are true and accurate to the best of my knowledge, information and belief.


Robert Kenyon

Commonwealth of Virginia
City/County of Fairfax

Acknowledged, subscribed and sworn to by Robert Kenyon before me this 28th day of June, 2021.


Notary Signature

Notary Registration No.: 336419

My Registration Expires: 3-31-2023



ALICE ARTH ALMASI
NOTARY PUBLIC
REGISTRATION # 336419
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
MARCH 31, 2023



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Candidate Filing Extension

BOARD WORKING PAPERS
David Nichols
Elections Administration Manager



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise
From: Dave Nichols, Elections Services Manager
Date: June 30, 2021
Re: Candidate Filing Extension

Motion if Board DOES GRANT Extension:

Move that the Board *grant* an extension pursuant to Virginia Code § 24.2-503 for candidates to file the Certificate of Candidate Qualification and/or Statement of Economic Interests in relation to the November 2021 General Election.

Motion if Board DOES NOT Grant Extension:

Move that the Board *does not grant* an extension pursuant to Virginia Code § 24.2-503 for candidates to file the Certificate of Candidate Qualification and/or Statement of Economic Interests in relation to the November 2021 General Election.

Applicable Code Sections: Va. Code § 24.2-501 and Va. Code § 24.2-503

Background: Pursuant to Va. Code § 24.2-501, an individual that wants to be a candidate for office must submit a Certificate of Candidate Qualifications and a Statement of Economic Interests. As these required elements of candidate filings, failure to submit one or both documents would prohibit an individual from having their name printed on the ballot and becoming a candidate.

Pursuant to Va. Code § 24.2-503, the State Board of Elections may grant an extension of the filing deadlines for the Certificate of Candidate Qualifications and a Statement of Economic Interests. Any extension granted may only be for a 10 day time period from the time the Department of Elections sends the notice of extension to affected candidates. If the State Board of Election grants an extension, the Department of Elections must notify all candidates who have failed to file one or both of the documents of the extension.

At this time, the Department of Elections has received requests for an extension from candidates. These letters are attached as part of your Working Papers.



Tyson, Franchelle <franchelle.tyson@elections.virginia.gov>

Fwd: Extension

SBE - INFO, rr <info@elections.virginia.gov>

Thu, Jun 10, 2021 at 4:21 PM

To: David Nichols <david.nichols@elections.virginia.gov>

Cc: Franchelle Tyson <franchelle.tyson@elections.virginia.gov>, Paul Saunders <paul.saunders@elections.virginia.gov>

Department of Elections
1100 Bank Street, 1st Floor
Richmond, Virginia 23219
804 864-8901
804 552-9745

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----- Forwarded message -----

From: **Greg Mullins** <gregmullins@live.com>

Date: Thu, Jun 10, 2021 at 4:21 PM

Subject: Extension

To: info@elections.virginia.gov <info@elections.virginia.gov>

Gregory L. Mullins
P. O. Box 911
Abingdon, VA 24212

June 8, 2021

Mr. Robert Brink, Chairman
Virginia State Board of Elections
Virginia Department of Elections
Washington Building
1100 Bank Street, First Floor
Richmond, VA 23219

RE: Petition Signatures

Dear Mr. Brink:

I am a Independent candidate for the House of Delegates for the 4th District of Virginia. Because of the COVID 19 restrictions and location of the District, I could not get all my Signatures for the Petitions of Qualified Voters in by 7 pm Tuesday June 8, 2021. I am aware that the parties have until June 14 to get all their paperwork in, so I am requesting an extension to that date for me to file my Petition of Qualified Voters (SBE-506-521) in. I had people in the remote areas that could not

get the original forms to me by 7 pm Tuesday June 8, 2021 and was told by the local register that they could not be scanned and emailed to me. Please allow me to get my Petition of Qualified Voters to the register by end of the day Monday June 14, 2021. I think it is only fair that I be given the same date as the parties have to get their information in. Thank you and please allow me the same opportunity as the parties. It would not be fair to me if I am not given the same opportunity as the parties. I feel that I am being discriminated against just because I am running as an Independent.

Thank you for your cooperation in this matter.

If you have any questions or require or request any additional information, I can be reached at the address above.

Sincerely,

Gregory L. Mullins

State Board of Elections
1100 Bank St.
Richmond, VA 23219
June 9, 2021

To Whom It May Concern

Hello, my name is Kellie Artrip and I am a candidate for the Commissioner of Revenue in my hometown of Radford, Virginia. This letter is to request an extension in order to file the necessary paperwork needed to deem me an official candidate for this office. I took this leap of faith in the hopes of becoming a bigger part of my community and its future. In doing so, I began the process of trying to navigate very unfamiliar territory with regard to running a campaign, filing documentation, and enlisting support from strangers.

I am supported by a local chairman and his committee who filed necessary paperwork on 6/3/21 to elect me as their candidate. In navigating the Department of Elections website and its vast amount of information, I proceeded to submit the Statement of Organization and received acceptance. This form was also mailed to the State Board of Elections (6/3/21) and an original copy was submitted to my local registrar's office (6/4/21). Upon arrival, the registrar was out for the day so I gave my documentation to the assistant registrar for processing. She reviewed the form and said everything looked in order. I then asked if this was the only form I needed to file to become an official candidate or were there any other forms I might need to submit; explaining that I was new to the process and wanted to make sure I was doing everything correctly. She stated that this was the only form I needed to turn in, so I trusted them, thanked them, and left feeling excited for the future.

On 6/8/21 at 7:50, my chairman supporter received a call from the local registrar stating I had been disqualified due to failure to file appropriate documentation within the filing deadline. Further discussion revealed I have unknowingly failed to submit the Certificate of Candidate Qualification and the Statement of Economic Interests. Devastated and panicked doesn't seem to cover the emotions felt as I scrambled to research my options, search and complete the missing forms, and reach out to anyone who I thought might be able to help.

I took a risk to try and make my corner of the world the best place it can be. I had to gain permission to run from my employer and break the news to my supervisor who is less than thrilled. I have two young children, my husband and I both work full time and are committed to putting in 110% to make this happen. All that said, I cannot let a few pieces of paper stand in my way without reaching out in the hopes that this Board will grant me an extension to file the additional documentation required which is completed and ready to be submitted. I appreciate your time and diligence to ensure the election process and its principles are upheld. I eagerly await your decision.

Thank You,



Kellie Artrip
540-392-2852
kb7899@msn.com

To Whom it May Concern

June 10th 20201

My name is Shaun C VanDyke, respectfully request an extension for filing paperwork to be placed on the ballot for School Board in Craig County VA Simmonsville District. I live at 8148 Little Mountain Road in New Castle VA 24127 and otherwise qualify to run for this office.

I intended to run for this office, however due to several Military Obligations due to my Service in the U.S. Army Reserves during the Months of April and May was unable to complete the required paperwork before the filing date. This has resulted in another individual running unopposed.

I do not feel this is how such an important position in our community should be filled. With the filing of some papers a mer hours before his potential opponent.

I am a First Sergeant in the U.S. Army Reserves holding a master degree in public administration. I believe that my experience and education can make a big difference in our local school system should I be given the opportunity to run.

Thank you for your consideration in this matter.

Shaun C VanDyke

8148 Little Mountain Rd

New Castle VA 24127

540-278-4893



Tyson, Franchelle <franchelle.tyson@elections.virginia.gov>

Fwd: 81st District, Va. House of Delegates Ballot Denial

Election Administration, rr <ea@elections.virginia.gov>
To: Franchelle Tyson <franchelle.tyson@elections.virginia.gov>
Cc: David Nichols <david.nichols@elections.virginia.gov>

Wed, Jun 16, 2021 at 9:15 AM

Requesting an extension.

Elections Administration

Virginia Department of Elections

EA@Elections.Virginia.gov

Washington Building | 1100 Bank Street, 1st Floor, Richmond, VA 23219

(804) 864-8901

Fax: (804) 225-3706



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----- Forwarded message -----

From: **Jeff Staples** <jeff4va@gmail.com>

Date: Tue, Jun 15, 2021 at 9:18 PM

Subject: 81st District, Va. House of Delegates Ballot Denial

To: <ea@elections.virginia.gov>

Cc: Jeff Staples <jeff4va@gmail.com>, Tyler Eldred <tylerjeldred@gmail.com>, John-Henry Doucette <jhd@princessanneindy.com>

Election Board,

It has come to my attention via a reporter, John-Henry Doucette, of the Princesse Anne Independent News, that the Board of Elections has said that I did not qualify for the ballot. That was a big surprise to me as I had been told by the Chesapeake Registrar, Mary Lynn Pinkerman that I was "good to go."

It seems that there was a mistake in filing the Statement of Economic Interest Form. I was delivering Ballot Petition Signatures to Ms. Pinkerman and she informed me that I had

not yet turned in my Statement of Economic Interest.

I have run for office three times before and I thought I knew the procedure, so I said, "I thought that went to Richmond." She replied that I should turn it in to her office.

On the morning of June 2, 2021, I emailed Ms. Pinkerman, informing her that I had the SOEI ready and planned to drop it off that day. I again asked in my email, if I needed to send a copy to Richmond? The reply email was "No, it just comes here." I have attached copies of this email exchange. I brought the signed forms on June 2, 2021 and left them with her office.

This is where the problem lies, I knew that there had been several changes in procedure this election cycle, mostly related to Covid - 19. For example the Electronic Ballot Petition that the Democrat Primary Candidates and then Statewide Candidates were allowed to use. Later, I finally saw a bulletin that was two weeks old, indicating that all Candidates would be able to use the Electronic petitions and that the Campaigns would be notified by email when the system was ready. I never received an email pertaining to that. So, when Ms. Pinkerman indicated that I needed to turn the SOEI form into the Chesapeake Registrar's Office. I did not question it beyond my initial and secondary encounters. I figured that Ms. Pinkerman would know better than me the changes that were going on with the procedures.

So I am asking you to certify my candidacy, on the ballot for the 81st District, Virginia House of Delegates. My volunteers and I worked through the Pandemic and inclement weather to gather the necessary signatures to qualify. With the pandemic, this was by far, the hardest we have had to work to garner those signatures. The people have signed, they want my campaign to be on the ballot and not be denied by a procedural mistake.

Ms. Pinkerman has done a masterful job, in her position. Her direction has led to a very fair re-division of precincts in Chesapeake. She has also directed flawless mail and in person voting for the citizens in Chesapeake. Every step has been designed to ensure that all voices were heard during the election cycles. I commend her performance immensely. Conversely, things happen, I understand.

I hope that you will grant my request to be certified on the ballot.

Thank you,

Jeff B. Staples
Jeff4Va@gmail.com
757-647-0410
Jeff Staples
jeff4va@gmail.com
757-647-0410

----- Forwarded message -----

From: Mary Lynn Pinkerman <mlpinkerman@cityofchesapeake.net>
To: Jeff Staples <jeff4va@gmail.com>
Cc:
Bcc:
Date: Wed, 2 Jun 2021 15:01:25 +0000
Subject: RE: Required forms

No it just comes here.

From: Jeff Staples <jeff4va@gmail.com>
Sent: Wednesday, June 2, 2021 10:59 AM
To: Mary Lynn Pinkerman <mlpinkerman@CityOfChesapeake.Net>
Subject: Required forms

ALERT:External E-mail. Use caution when opening attachments or clicking links.

Good morning,

I have the

Statement of Economic Interest filled out and ready to deliver to you. Do I also need to send a copy to Richmond?

Thank you,

Jeff Staples

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2 attachments

 **2021 Required forms Email question response.eml**
16K

 **2021 Required forms Email question response.eml**
16K

Subject: RE: Required forms



Mary Lynn Pinkerman <mlpinkerman@cityofchesapeake.net>
to Jeff Staples

You are viewing an attached message. Commonwealth of Virginia Mail can't verify the authentic

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Thank you,

Jeff Staples

Hi Dave,

I notice that we Radford Has a potential Candidate requesting an extension for the filing of Sel and CQ forms.

I'm out of town next week, so wanted to ask do I need to respond to the letter at all? Because this particular statement, is blaming my assistant for the lack of filing and I wish to address THAT issue.

“Upon arrival, the registrar was out for the day so I gave my documentation to the assistant registrar for processing. She reviewed the form and said everything looked in order. I then asked if this was the only form I needed to file to become an official candidate or were there any other forms I might need to submit; explaining that I was new to the process and wanted to make sure I was doing everything correctly. She stated that this was the only form I needed to tum in, so I trusted them, thanked them, and left feeling excited for the future.”

I did take that Friday off, to work the Saturday CAP. In fact I was available to Mrs. Artrip from the day of her nomination, throughout the week and weekend, until 7:00 pm primary night.

I found the Statement of Organization with a sticky that said, “hand delivered” with Date and time. There was no request to reach out to the candidate.

My assistant of 10 years, has been trained specifically to not certify paperwork completeness, but to inform the potential candidate to call me with their questions.

My assistant is one of the many small locality assistants who works 1 day a week, and she does not qualify or certify candidates.

Mrs. Artrip asserts that that my office told her the paperwork was complete. When, in fact, she was told to call the Registrar.

I have learned that she was told to reach out to me not only by my assistant, but by members of her party committee as well.

To date, I have never spoken to Mrs. Artrip, I've never seen Mrs. Artrip, and she has never called my office in the context of this candidacy.

This is a matter of a candidate simply not following through, failure to read and follow the simple instructions in the local candidate bulletin, then seeking to place blame where it does not belong.

It may be asked, why didn't I call the candidate?

I learned back in the 90's not to chase down candidate paper work, because it lends to appearance of favoritism. My office does NOT play that game.

If a candidate asks me, I will and always have, print, explain and, give them every piece of paper necessary to complete their candidacy, along with the candidate bulletins, instructions and will help any way I can.

This particular case is not one of extenuating circumstances, nor bad information from my assistant.

This is a case of placing blame for lack of follow through.

Tracy D. Howard,
CPGR, VREO, CGRV
General Registrar/ Director of Elections
619 2nd St. Rm. 143
Radford VA 24141



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