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

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

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

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

28 Chairman Brink – Aye

29 Vice Chair O’Bannon – Aye

30 Secretary LeCruise – Aye

31 The next item of business was the Commissioner’s Report presented by
32 Commissioner Piper. Commissioner Piper informed the Board of the timeline
33 of absentee balloting. The Commissioner stated that the deadline for
34 independent candidates to qualify to appear on the ballot for President of the

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

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

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

52 staffing, open additional satellite offices, and purchase additional mail
53 processing equipment. Commissioner Piper stated the highest percentage of
54 voters in the Commonwealth voting absentee by-mail was in November 2016,
55 when 6% of the 4 million Virginians who voted did so by absentee returned by
56 mail. The Commissioner added that voting absentee would be a new
57 experience for many voters, due to COVID-19.

58 Commissioner Piper informed the Board that ELECT is preparing to
59 provide voter education on how to apply for, complete and return absentee
60 ballots, and encouraging the early submission of ballots. The Commissioner
61 informed the Board that they would be receiving information on regulatory
62 action today and introduced new employee Dreana Gilliam, Elections
63 Administrator. Chairman Brink asked Commissioner Piper if ELECT would
64 assist localities in conducting local voter education. Commissioner Piper
65 informed the Board that ELECT will help any locality wanting assistance with
66 their voter education.

67 The next item of business was the Party Abbreviations, presented by Paul
68 Saunders, Elections Administration Supervisor. *This report is in the Working*

69 *Papers for the August 4, 2020 meeting.* Secretary LeCruise moved *that the*
70 *Board approve the party abbreviations as presented by staff for general and*
71 *special elections being held through April 30, 2021.* Vice Chair O'Bannon
72 seconded the motion, and the motion passed unanimously. A roll call vote was
73 taken:

74 Chairman Brink – Aye

75 Vice Chair O'Bannon – Aye

76 Secretary LeCruise – Aye

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

83 Chairman Brink – Aye

84 Vice Chair O'Bannon – Aye

85 Secretary LeCruise – Aye

86 The next item of business was the Regulatory Action: Voter Registration
87 amendments to 1VAC20-40-10 presented by Samantha Buckley, Policy
88 Analyst. *This report is in the Working Papers for the August 4, 2020 meeting.*
89 Secretary LeCruise moved *that the Board approve the amendments to 1VAC20-*
90 *40-10.* Vice Chair O'Bannon seconded the motion, and the motion passed
91 unanimously. A roll call vote was taken:

92 Chairman Brink – Aye

93 Vice Chair O'Bannon – Aye

94 Secretary LeCruise – Aye

95 The next item of business was the Regulatory Actions: Intelligent Mail
96 Barcodes (IMBs) on Absentee Return Envelopes presented by Danny
97 Davenport, Policy Analyst. *This report is in the Working Papers for the August 4,*
98 *2020 meeting.* Chairman Brink asked how many localities provide the IMB on
99 the envelope. Mr. Davenport stated that all localities have the IMB on the
100 outside of the envelope, but as of now, 48 localities have provided the IMB on
101 the return envelope. Secretary LeCruise moved *that the Board approve the*
102 *Department's proposal for regulatory action requiring intelligent mail barcodes*

103 *on absentee ballot envelopes and absentee ballot return envelopes.* Vice Chair

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

105 call vote was taken:

106 Chairman Brink – Aye

107 Vice Chairman –Aye

108 Secretary LeCruise – Aye

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

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

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

112 *meeting.*

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

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

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

116 deadline mail a return absentee ballot is postmarked by Tuesday, Election

117 Day.

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

119 a former member of the State Board of Elections, and Renee Andrews,

120 Secretary for the City of Falls Church, addressed the Board. Secretary LeCruise
121 moved *that the Board approve the Department's proposal for regulatory action*
122 *related to processing absentee ballots with missing or no postmark.* Chairman
123 Brink seconded the motion, and the motion passed 2-1. A Roll call vote was
124 taken:

125 Chairman Brink – Aye

126 Vice Chair O'Bannon – Nay

127 Secretary LeCruise – Aye

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

135 Chairman Brink – Aye

136 Vice Chairman O'Bannon – Aye

137 Secretary LeCruise – Aye

138 The next item of business was the Regulatory Action: (Amendments)

139 Overfull Optical Scan Ballot Container. *This report is in the Working Papers for*
140 *the August 4, 2020 meeting.* Chairman Brink opened the floor for public

141 comment. Jean Thoensen, of the public, and Walt Latham, of York County, and

142 Clara Bell Wheeler, former member of the State Board of Elections, addressed

143 the Board. Vice Chair O'Bannon moved *that the Board approve the*

144 *Department's proposal for regulatory action related to 1VAC20-60-50, Overfull*

145 *Optical Scan Ballot Containers.* Secretary LeCruise seconded the motion, and

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

147 Chairman Brink – Aye

148 Vice Chairman – Aye

149 Secretary LeCruise – Aye

150 Chairman Brink opened the floor to public comment.

151 The Chairman stated that in February of 2020, the Chairman of

152 Spotsylvania County Republican Committee contacted him in regards to a

153 member of the Electoral Board. Chairman Brink announced that the Board

154 would not go into Closed Session. At 2:04 P.M., Secretary LeCruise moved *that*
155 *the Board go into closed session for the purpose of consultation with legal*
156 *counsel and briefings by staff members or consultants for the purpose of*
157 *receiving legal advice concerning the request to remove a member of the*
158 *Spotsylvania Electoral Board, as authorized by Section 2.2-3711(A)(8) of the*
159 *Code of Virginia. In accordance with Virginia Code Section 2.2-3712(F), Carol*
160 *Lewis and Heather Hays Lockerman from the Office of the Attorney General, as*
161 *well as Christopher Piper, Commissioner of Elections, Jessica Bowman, Deputy*
162 *Commissioner, Daniel Persico, Chief Information Officer, and Arielle A.*
163 *Schneider, Policy Analyst will attend the closed session because their presence*
164 *will reasonably aid the Board in its consideration of the subject of the meeting.*
165 Vice Chair O'Bannon seconded the motion, and the motion passed
166 unanimously. A roll call vote was taken:

167 Secretary LeCruise – Aye

168 Vice Chair O'Bannon – Aye

169 Chairman Brink – Aye

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

176 Chairman Brink – Aye

177 Vice Chair O'Bannon – Aye

178 Secretary LeCruise – Aye

179 Vice Chair O'Bannon moved to adjourn the meeting. Secretary LeCruise
180 seconded the motion, and the motion passed unanimously. The meeting
181 adjourned at approximately 2:40 P.M.

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