



**STATE BOARD OF ELECTIONS
AGENDA**

*DATE: June 27, 2017
LOCATION: Senate Room 3, Virginia State Capitol
Richmond, Virginia
TIME: 10:30 a.m.*

I. CALL TO ORDER

*James B. Alcorn
SBE Chair*

II. APPROVAL OF MINUTES

SBE Board Members

III. COMMISSIONER'S REPORT

*Edgardo Cortés
Commissioner*

IV. OLD BUSINESS

A. Certification of Electronic Pollbooks

*Matthew Davis
Chief Information Officer*

B. Campaign Finance Complaints

*Elizabeth Howard
Deputy Commissioner*

- i.** Brandon W. Howard
- ii.** Joe Lindsey for Senate
- iii.** Awareness Manassas PAC
- iv.** Daniels Committee
- v.** Ellen Robertson
- vi.** Friends of Candidate Coleman
- vii.** Hassan J. Fountain for 3rd District
- viii.** Singh for Mayor
- ix.** Glenn Perry, Sr.

x. Morrissey for Mayor

V. NEW BUSINESS

A. Certification of June Primary Election

*Ellen Flory
Elections Administrator*

B. Ballot Order Drawing

*Ellen Flory
Elections Administrator*

C. Petition Signature Insufficiency Appeal

*Arielle Schneider
Lead Policy Analyst*

i. Ellennita Hellmer

VI. OTHER BUSINESS & PUBLIC COMMENT

VII. ADJOURNMENT

NOTE: During the discussion of each topic there will be an opportunity for public comment. Anyone wishing to discuss an issue not on the agenda will be allowed to comment at the end of the new business section.

All materials provided to the Board are available for public inspection under the Virginia Freedom of Information Act upon request.

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State Board of Elections

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Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Department of Elections
Date: June 16, 2017
Re: Alleged Violation of Chapter 9.5 of Title 24.2 – Awareness Manassas

Alleged Violator: Awareness Manassas, *registered as a Political Action Committee*
Heather Rice, Treasurer

Background: Steve Hersch submitted a complaint to ELECT. The complaint alleges that “Awareness Manassas PAC violated § 24.2-956.1 by distributing by mail 9,675 pieces of print media advertising (3 mailings, each consisting of 3,225 pieces) that opposed the election of one or more clearly identified candidates without the sponsor stating whether the advertisement was authorized by a candidate.”

Timeline:

Thursday, October 27, 2016 – Alleged mailing date of the “hiding records” piece.
Monday, October 31, 2016 – Alleged mailing date of the “Corruption” piece.
Wednesday, November 2, 2016 – Alleged mailing date of the “Sebesky” piece.
Tuesday, November 8, 2016 – Election date mentioned in “Sebesky” piece.
Thursday, February 16, 2017 – Steve Hersch submitted a complaint to ELECT.
Monday, May 1, 2017 – Heather Rice responded to the complaint

Materials: See Materials Packet – Section 3, Pages 16-30

- Complaint – Pages 17-22
- “Mailings” – 23-25
- Notice of Public Meeting, April 20, 2017 – Page 26
- Notice of Continuance, May 5, 2017 – Page 27
- Notice of Public Meeting, June 13, 2017 – Page 28
- Response to the complaint from Awareness Manassas – Pages 29-30

Public Hearing: “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” – The Code of Virginia, § 24.2-955.3(D).



Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Department of Elections
Date: June 16, 2017
Re: Alleged Violation of Chapter 9.5 of Title 24.2 – Daniels Campaign

Alleged Violator: Daniels Campaign, *registered as a* Campaign Committee
Dorian O. Daniels, Treasurer
Dorian O. Daniels, Candidate for Richmond City Council, 3rd District

Background: Joanne Sanders submitted a complaint to ELECT alleging that a few “candidates in the City of Richmond,” including Dorian Daniels, had “campaign materials” that did not “includ[e] the required campaign disclosure statements.” The complaint included photos of “signage, billboards, tee-shirts, lawn signs, palm cards, brochures, etc.” One of these photos appeared to name Mr. Daniels.

Timeline:

Thursday, July 28, 2016 – ELECT received a complaint from Joanne Sanders.
Monday, August 22, 2016 – ELECT notified candidate of complaint.
Tuesday, November 8, 2016 – Election date indicated in a photo in the Sanders complaint.

Materials: See Materials Packet – Section 4, Pages 31-36

- Complaint and “campaign material” – Page 32
- Notice of Complaint, August 22, 2016 – Page 33
- Notice of Public Meeting, April 20, 2017 – Page 34
- Notice of Continuance, May 5, 2017 – Page 35
- Notice of Public Meeting, June 13, 2017 – Page 36

Public Hearing: “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” – The Code of Virginia, § 24.2-955.3(D).



Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Department of Elections
Date: June 16, 2017
Re: Alleged Violation of Chapter 9.5 of Title 24.2 – Ellen Robertson for 6th District

Alleged Violator: Ellen Robertson for 6th District, *registered as a Campaign Committee*
Ellen F. Robertson, Treasurer
Ellen F. Robertson, Candidate for Richmond City Council, 6th District

Background: Alex Parker submitted complaints to ELECT alleging that he received “campaign mail” and a “flyer” that “[did] not disclose who paid for [them].” Attached to the complaints were photographs of the materials in question.

Timeline:

Saturday, September 24, 2016 – Postmark on the Robertson letter.
Thursday, September 29, 2016 – Complaint submitted to ELECT.
Friday, September 30, 2016 – ELECT notified candidate of complaint.
Saturday, October 15, 2016 – Follow-up complaint submitted to ELECT
Tuesday, November 8, 2016 – Election date stated in Robertson letter.

Materials: See Materials Packet – Section 5 – Pages 37-48

- Complaint - Page 38-39
- “Campaign Mail” – Pages 40-42
- Follow up Complaint – Page 43
- “Flyer” – Page 44
- Notice of Receipt of Complaint, September 30, 2016 – Page 45
- Notice of Public Meeting, April 20, 2017 – Page 46
- Notice of continuance, May 5, 2017 – Page 47
- Notice of Public Meeting, June 13, 2017 – Page 48

Public Hearing: “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” – The Code of Virginia, § 24.2-955.3(D).



Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Department of Elections
Date: June 16, 2017
Re: Alleged Violation of Chapter 9.5 of Title 24.2 – Friends of BJ Brown

Alleged Violator: Friends of BJ Brown, *registered as a Campaign Committee*
BJ Brown, Treasurer
BJ Brown, Candidate for Virginia House of Delegates, 31st District

Background: Bob Watson submitted a complaint to ELECT alleging that a “campaign card” was presented to Prince William County Republican Committee Chairman, Dottie Miller. The complaint further alleges that “Ms. Brown’s campaign card” did not contain “any statement as required in § 24.2-956.” The complaint included a photograph of the front of the “campaign card” and a note that that the “reverse side of the card is blank.”

Timeline:

Wednesday, February 8, 2017 – Ms. Miller allegedly received Ms. Brown’s “campaign card.”
Monday, February 27, 2017 – Ms. Brown allegedly handed out more “campaign cards.”
Thursday, March 2, 2017 – Bob Watson sent his complaint about Ms. Brown to ELECT.
Saturday, May 13, 2017 – Presumed date of mass meeting.

Materials: See Materials Packet – Section 11, Pages 107-112

- Complaint – Pages 108-110
- Notice of Receipt of Complaint, April 5, 2017 – Page 111
- Notice of Public Meeting, June 13, 2017 ELECT – Page 112

Public Hearing: “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” – The Code of Virginia, § 24.2-955.3(D).



Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Department of Elections
Date: June 16, 2017
Re: Alleged Violation of Chapter 9.5 of Title 24.2 – Friends of Candidate Coleman

Alleged Violator: Friends of Candidate Coleman, *registered as a Campaign Committee*
LaTorrie Hammock, Treasurer
Milondra B. Coleman, Candidate for Richmond City Council, 3rd District

Background: Joanne Sanders submitted a complaint to ELECT alleging that a few “candidates in the City of Richmond,” including Milondra Coleman, had “campaign materials” that did not “includ[e] the required campaign disclosure statements.” The complaint included photos of “signage, billboards, tee-shirts, lawn signs, palm cards, brochures, etc.” Some of these photos appeared to name Dr. Coleman.

Timeline:

Thursday, July 28, 2016 – ELECT received a complaint from Joanne Sanders.
Monday, August 22, 2016 – ELECT notified candidate of complaint.
Tuesday, November 8, 2016 – Election date indicated in a photo naming Dr. Coleman.

Materials: See Materials Packet – Section 6, Pages 49-56

- Complaint – Pages 50-51
- “Campaign Materials” – Pages 51-52
- Notice of Complaint, August 22, 2016 – Page 53
- Notice of Public Meeting, April 20, 2017 – Page 54
- Notice of Continuance, May 5, 2017 – Page 55
- Notice of Public Meeting, June 13, 2017 – Page 56

Public Hearing: “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” – The Code of Virginia, § 24.2-955.3(D).



Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Department of Elections
Date: June 16, 2017
Re: Alleged Violation of Chapter 9.5 of Title 24.2 – Friends of Team Manassas

Alleged Violator: Friends of Team Manassas, *registered as a Political Action Committee*
Ian Lovejoy, Treasurer

Background: Steve Hersch submitted a complaint to ELECT alleging that Friends of Team Manassas was “running online ads, posting videos and maintaining a website in violation of disclosure requirements.” Mr. Hersch further alleged that “the ads, videos and website are supporting and opposing specific named candidates, but the only disclosure provided is ‘paid for by Friends of Team Manassas.’” The complaint included “screenshot[s]” of “www.teammanassas.com” and a “video” on the same website.

Timeline:

Friday, October 28, 2016 – Complaint submitted to ELECT
Tuesday, November 8, 2016 – Election date stated in the “screen shot[s].”

Materials: See Materials Packet – Section 7, Pages 57-61

- Complaint – Page 58
- Screenshot of “website” – Page 59
- Screenshot of “video” – Page 60
- Notice of Public Meeting, June 13, 2017 – Page 61

Public Hearing: “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” – The Code of Virginia, § 24.2-955.3(D).



Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Department of Elections
Date: June 16, 2017
Re: Alleged Violation of Chapter 9.5 of Title 24.2 – Hassan J. Fountain for 3rd District

Alleged Violator: Hassan J. Fountain for 3rd District, *registered as a Campaign Committee*
Hassan J. Fountain, Treasurer
Hassan J. Fountain, Candidate for Richmond City Council, 3rd District

Background: Joanne Sanders submitted a complaint to ELECT alleging that a few “candidates in the City of Richmond,” including Hassan J. Fountain, had “campaign materials” that did not “includ[e] the required campaign disclosure statements.” The complaint included photos of “signage, billboards, tee-shirts, lawn signs, palm cards, brochures, etc.” Some of these photos appeared to name Mr. Fountain. Mr. Fountain has responded to the complaint and provided “pictures” allegedly showing a “disclaimer” on his signs.

Timeline:

Saturday, July 23, 2016	–	Date of campaign fundraiser stated in Fountain photo.
Thursday, July 28, 2016	–	ELECT received a complaint from Joanne Sanders.
Monday, August 22, 2016	–	ELECT notified candidate of complaint.
Tuesday, November 8, 2016	–	Election date indicated in a photo in the Sanders complaint.
Monday, May 1, 2017	–	Mr. Hassan responded to the complaint.

Materials: See Materials Packet – Section 8, Pages 62-74

- Complaint – Page 63
- “Campaign Materials” – Pages 64-66
- Notice of Receipt of Complaint, August 22, 2016 – Page 67
- Notice of Public Meeting, April 20, 2017 – Page 68
- Notice of Continuance, May 5, 2017 – Page 69
- Notice of Public Meeting, June 13, 2017 – Page 70
- Response to the complaint from Mr. Fountain – Pages 71 and 73
- “pictures [showing] proof of Disclaimer” – Pages 72 and 74

Public Hearing: “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” – The Code of Virginia, § 24.2-955.3(D).



Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Department of Elections
Date: June 16, 2017
Re: Alleged Violation of Chapter 9.5 of Title 24.2 – Joe Lindsey for Senate

Alleged Violator: Joe Lindsey for Senate, *registered as a* Campaign Committee
Rebecca Ann Baker, Treasurer
Joe Lindsey, Candidate for Senate of Virginia, 5th District

Background: Nancy Parr sent Chairman Alcorn an email containing a letter regarding “signs” for Mr. Lindsey, which “do not include the requisite legend or statement pursuant to [section 24.2-956].” Ms. Parr provided a photograph of the sign.

Timeline:

Monday, June 13, 2016 – Nancy Parr sent the complaint letter to Chairman Alcorn.
Tuesday, June 14, 2016 – Chairman Alcorn forwarded the complaint to ELECT.
Tuesday, July 9, 2016 – Election date stated in the Parr letter.

Materials: See Materials Packet – Section 2, Pages 9-15

- Complaint – Pages 10-11
- “Sign” – Page 12
- Notice of Public Meeting, April 20, 2017 – Page 13
- Notice of Continuance, May 2, 2017 – Page 14
- Notice of Public Meeting, June 13, 2017 – Page 15

Public Hearing: “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” – The Code of Virginia, § 24.2-955.3(D).



Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Department of Elections
Date: June 16, 2017
Re: Alleged Violation of Chapter 9.5 of Title 24.2 – Linwood W. Johnson III

Alleged Violator: Linwood W. Johnson III, *registered as a Campaign Committee*
Michael W. Foreman, Treasurer
Linwood W. Johnson III, Candidate for Franklin City Council, Ward 4

Background: ELECT received a complaint from Randy Martin alleging that Linwood W. Johnson, III “was circulating [a] ‘letter’ along with Johnson’s business card” which the complainant considered to be “campaign material without the required authorization statement(s)/disclaimer(s).”

Timeline:

Wednesday, April 27, 2016 – ELECT received a complaint from Randy Martin.
Tuesday, May 3, 2016 – ELECT notified candidate of complaint.
Tuesday, May 3, 2016 – Election date stated in Johnson letter.

Materials: See Materials Packet – Section 1, Pages 2-8

- Complaint – Page 3
- Business Card – Page 3
- Letter– Page 4
- Notice of Complaint, May 3, 201 – Page 5
- Notice of Public Meeting, April 20, 2017 – Page 6
- Notice of Continuance, May 5, 2017 – Page 7
- Notice of Public Meeting, June 13, 2017 – Page 8

Public Hearing: “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” – The Code of Virginia, § 24.2-955.3(D).



Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Department of Elections
Date: June 16, 2017
Re: Alleged Violation of Chapter 9.5 of Title 24.2 – Morrissey for Mayor

Alleged Violator: Morrissey for Mayor, *registered as a Campaign Committee*
Ann Marie Lawson, Treasurer
Joe Morrissey, Candidate for Mayor, Richmond City

Background: Georgina Cannan submitted a complaint alleging that Morrissey for Mayor “distribut[ed] sample ballots” that “[did] not include the ‘paid for by’ disclaimer required by Virginia law.” The complaint contained a letter from members of the Democratic party and a photo of the “sample ballot” in question and a “personal note” that was allegedly “distributed along with” the “sample ballot.”

Timeline:

Tuesday, November 1, 2016 – Date on the “personal note.”
Thursday, November 3, 2016 – ELECT received a complaint from Georgina Cannan.
Tuesday, November 8, 2016 – Presumed election date

Materials: See Materials Packet – Section 9, Pages 75-82

- Complaint e-mail – Page 76
- Complaint letter – Pages 77-78
- “Personal note” and “sample ballot” – Page 79
- Notice of Public Meeting – Page 80
- Notice of Continuance – Page 81
- Notice of Public Meeting – Page 82

Public Hearing: “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” – The Code of Virginia, § 24.2-955.3(D).



Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Department of Elections
Date: June 16, 2017
Re: Alleged Violation of Chapter 9.5 of Title 24.2 – Singh, Mayor in 2016

Alleged Violator: Singh, Mayor in 2016, *registered as a Campaign Committee*
Jasbinder Singh, Treasurer
Jasbinder Singh, Candidate for Mayor, Town of Herndon

Background: Barbara Glakas, Michael L. O'Reilly, Les Halpern, and Jay Donahue submitted complaints to ELECT alleging that they had received “mailers” that “appear to support candidate Jasbinder Singh” but did not contain “disclosures required by Virginia Code section 24.2-956”. Each complaint contained copies or scans of the “mailers” in question.

Timeline:

Friday, September 23, 2016	–	ELECT received a complaint from Barbara Glakas.
Monday, September 26, 2016	–	Michael L. O'Reilly mailed a complaint to ELECT.
Friday, September 30, 2016	–	Candidate notified of Glakas complaint.
Tuesday, October 5, 2016	–	Candidate notified of O'Reilly complaint.
Thursday, October 20, 2016	–	ELECT received a complaint from Les Halpern.
Tuesday, October 25, 2016	–	Candidate notified of Halpern complaint.
Monday, October 31, 2016	–	ELECT received a complaint from Jay Donahue.
Tuesday, November 8, 2016	–	Election date specified in the “mailers”.
Sunday, April 30, 2017	–	Mr. Singh replied to the complaint.

Materials: See Materials Packet – Section 10, Pages 82-107

- Complaint from Barbara Glakas, September 23, 2016 – Page 83
- Mailers presented by Barbara Glakas – Pages 84-85
- Complaint from Michael O'Reilly, September 26, 2016 – Page 86
- Mailers presented by Michael O'Reilly – Pages 87-89
- Notice of Receipt of Complaint, September 30, 2016 – Page 90
- Notice of Receipt of Complaint, October 5, 2016 – Page 91
- Complaint from Les Halpern, October 20, 2017– Page 92
- Mailers presented by Les Halpern – 93-94
- Notice of Receipt of Complaint, October 25, 2016 – Page 95
- Complaint from Jay Donahue, October 31, 2016 – Page 96-98
- Mailer presented by Jay Donahue – Page 99



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- Notice of Public Meeting, April 20, 2017 – Page 100
 - Response to the complaint from Jasbinder Singh – 101-104
 - Notice of Continuance, May 5, 2017 – Page 105
 - Notice of Public Meeting, June 13, 2017 – Page 106

Public Hearing: “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” – The Code of Virginia, § 24.2-955.3(D).

Materials

State Board of Elections

June 27, 2017

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1.

Complaint Against Linwood W. Johnson, III
May 3, 2016 General Election
Submitted by Randy Martin

Braun, Brooks (ELECT)

From: Jennifer Maynard <jmaynard@franklinva.com>
Sent: Wednesday, April 27, 2016 9:36 AM
To: Braun, Brooks (ELECT)
Subject: Complaint
Attachments: Linwood.Johnson.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Brooks –

The attached was given to me by the City Manager, Randy Martin. A citizen gave it to Mr. Martin & told him that Johnson was circulating this "letter" along with Johnson's business card (also attached). It appears as though this letter is campaign material without the required authorization statement(s)/disclaimer(s).

On a side note, Mr. Martin said that he did some checking himself & it appears as though Johnson's company is defunct. Also, 301 Hall Street is a residence, so there are no "suites."

Please let me know if you need anything else from me...

Thanks in advance,

Jen

Jennifer Maynard

Director of Elections & General Registrar

City of Franklin

Phone: 757-562-8545

FAX: 757-562-8779

L. W. JOHNSON & ASSOCIATES, INC.



Housing & Financial (Profit/Non-Profit) Consultants
Meeting Your Commercial, Mortgage & Small Business Needs

Dr. Linwood W. Johnson, III

President / CEO

Office: 757-517-5122

Fax: 757-562-3584

dollarbusi@yahoo.com

301 Hall Street, Ste. 11

Franklin, Virginia 23851

Linwood W. Johnson, III Campaign
301 Hall Street, Suite 10 Franklin, Virginia 23851
Phone: 757-517-5122 or 757-562-3584 Fax: 757-304-9043
Email: Dollarbusi@yahoo.com

Hi!

I am Linwood Johnson and I'm running for Franklin's City Council representing Ward 4. I am the CEO of L.W. Johnson & Associates Inc., a financial consulting business and pastor of New Covenant Outreach Ministries Inc. I'm writing this letter to introduce myself and provide you a few reasons to vote for me on May 3, 2016.

I was born and raised right here in Franklin's Ward 4 and attended both Hayden and Franklin High Schools respectively.

I've always been an active volunteer in our community. I taught martial arts at the King Center. I served the city of Franklin as chairman of the Christmas Parade Committee and was appointed by the City of Franklin to the Housing Needs Assessment Committee. I am an unpaid consultant for the South Side Job Net; which is a network of churches and concerned people that help local citizens find and obtain jobs.

When I talk to my neighbors and friends within Ward 4, I hear that there have been a lot of houses broken into on Edwards Street. I hear about the personal property lost, the fear of our elders, and the dread of the mothers for their children. These serious concerns have moved me to stand up and be willing to take on the challenges ahead. I am willing to fight our opponents in order to provide, to protect, to serve, and to defend my neighbors and my community.

For four years, I watched the city government make false promises and fail to follow through on what they said they would do. That is why I have been asked to run for the council seat. I believe that I can best serve and do what must be done for Ward 4 as your city councilman. So I'm now asking you and other citizens of Ward 4 to join me in making a change. When we join together in unity, I know we can produce the positive change that is required to put the needs of our citizens first, while also maintaining a positive and cooperative outlook for the future of the ward and the city.

My campaign will focus on the citizens of Ward 4; making living and working in the ward and city more affordable and safe. I will work to recruit new businesses and better jobs to the Ward and city. I will diligently work to significantly reduce real estate taxes and electric bills. I will also work with our police department to improve public safety, our water department to improve water quality, and our recreation department to improve youth and senior programs that will keep our youth safe and away from crime, and our seniors active and vibrant.

If you are not a registered voter, please register to vote and then vote for me and our Ward 4 plans on May 3, 2016. If you are able, please volunteer and help our campaign.

Thank you for considering me,

Sincerely,


Linwood W. Johnson, III



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

May 3, 2016

Linwood W. Johnson III
301 Hall Street
Franklin, VA 23851

Dear Mr. Johnson,

The Department of Elections has received a complaint about a possible violation of Virginia's Stand by Your Ad law (Chapter 9.5 of Title 24.2 of the Code of Virginia) by your committee. Evidence or a description of the evidence the Department has received is appended below.

Section 24.2-955.3 of the Code of Virginia provides that certain political advertisements in the print media or on radio or television contain disclosure statements provided in Stand by Your Ad. Campaign telephone calls also require specific disclosures. Please review any communications put out by your committee to ensure that they are in compliance with the law. Failure to do so in a timely manner may result in an increased civil penalty.

Section 24.2-955.3 of the Code requires that all valid complaints come before the State Board of Elections, in a public hearing, to determine whether or not there is a violation of Stand by Your Ad and to assess a civil penalty. Once it has been set, you will be notified of the date and time of this hearing.

If you need further information please feel free to contact me at 1-800-552-9745 ext. 8924.

Sincerely,

Brooks C. Braun, Esq.
Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

April 20, 2017

Linwood W. Johnson III
301 Hall Street
Franklin, VA 23851

Dear Mr. Johnson,

The State Board of Elections (SBE) received a complaint about a possible violation of Virginia's Stand by Your Ad law; specifically, printed material disseminated through the mail that omits the disclosure statement required by the Code of Virginia § 24.2-956. Stand by Your Ad provisions require disclaimers on political advertisements appearing in print media, television ads and on radio.

The Code of Virginia § 24.2-955.3 provides that all disclaimer complaints go to the Board to determine the amount of civil penalties to be assessed. Civil penalties for violations of the print media requirements of Stand by Your Ad may not exceed \$2500.

The Board is holding its public meeting on Monday, May 1, 2017 at 2:00 p.m. You may attend and/or provide information to the Board which may help the Board reach a decision. If you cannot appear you will be notified by letter of the Board decision. Should the Board decide to assess a penalty, payment must be made within 30 days of the receipt of a letter advising you of the Board decision.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Elizabeth Howard
Deputy Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

May 5, 2017

Linwood W. Johnson III
301 Hall Street
Franklin, VA 23851

Dear Mr. Johnson,

This is in regards to the May 1, 2017 meeting of the State Board of Elections, at which a complaint against your committee for violation of Virginia's Stand by Your Ad law was scheduled to be discussed. At that meeting, the Board decided to defer a final decision on the matter until a later date. You will be notified in advance of the time and date of any future meeting at which the Board decides to discuss the complaint against your committee.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Elizabeth Howard
Deputy Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

June 13, 2017

Linwood W. Johnson III
301 Hall Street
Franklin, VA 23851

Dear Mr. Johnson,

The State Board of Elections (SBE) received a complaint about a possible violation of Virginia's Stand by Your Ad law; specifically, printed material disseminated through the mail that omits the disclosure statement required by the Code of Virginia § 24.2-956. Stand by Your Ad provisions require disclaimers on political advertisements appearing in print media, television ads and on radio.

The Code of Virginia § 24.2-955.3 provides that all disclaimer complaints go to the Board to determine the amount of civil penalties to be assessed. Civil penalties for violations of the print media requirements of Stand by Your Ad may not exceed \$2500.

The Board is holding its public meeting on Tuesday, June 27, 2017 at 10:30 a.m. You may attend and/or provide information to the Board which may help the Board reach a decision. If you cannot appear you will be notified by letter of the Board's decision. Should the Board decide to assess a penalty, payment must be made within 30 days of the receipt of a letter advising you of the Board decision.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Brooks C. Braun
Policy Analyst

2.

**Complaint Against Joe Lindsey for Senate
July 9, 2016 Special Election
Submitted by Nancy G. Parr**

Clemons, Nikki (ELECT)

From: Alcorn, James (ELECT)
Sent: Tuesday, June 14, 2016 12:01 PM
To: Cortes, Edgardo (ELECT); Braun, Brooks (ELECT)
Cc: Mansfield, Rose (ELECT)
Subject: FW: Alleged violation of Section 24.2-956
Attachments: Alcorn letter.pdf; Board of Elections attachment.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

See attached complaint. Can someone follow up on this?

Thanks,

James Alcorn
Chairman
Virginia State Board of Elections

From: Nancy Parr [NParr@CityOfChesapeake.Net]
Sent: Monday, June 13, 2016 5:36 PM
To: Alcorn, James (ELECT)
Subject: Alleged violation of Section 24.2-956

Mr. Alcorn,

Attached please find a letter dated June 13, 2016, addressed to you and copies of two signs and a code section. The original letter was mailed to you today.

If I can provide any other information, then please contact me.

Nancy G. Parr
Commonwealth's Attorney
City of Chesapeake
307 Albemarle Drive
Suite 200A
Chesapeake, Virginia 23322
(P) 757-382-3200
(F) 757-382-3227
nparr@cityofchesapeake.net<mailto:nparr@cityofchesapeake.net>

COMMONWEALTH OF VIRGINIA



OFFICE OF THE COMMONWEALTH'S ATTORNEY
CITY OF CHESAPEAKE

Nancy G. Parr
Commonwealth's Attorney

13 June 2016

James B. Alcorn, Esq.
State Board of Elections
Washington Bldg., 1st Floor
1100 Bank Street
Richmond, Virginia 23219

RE: Allegation of a Violation of Section 24.2-956 of the Code of Virginia, as amended

Dear Mr. Alcorn:

I have received a complaint from a citizen of the City of Chesapeake that Joseph (Joe) C. Lindsey, a candidate for Senator for the 5th District, has violated Section 24.2-956 of the Code of Virginia, as amended. Specifically the citizen complains that Mr. Lindsey's signs do not include the requisite legend or statement pursuant to the above cited Code section. Enclosed please find a photograph of two 4/8 signs which are located at 1125 S. Military Highway, Chesapeake, Virginia.

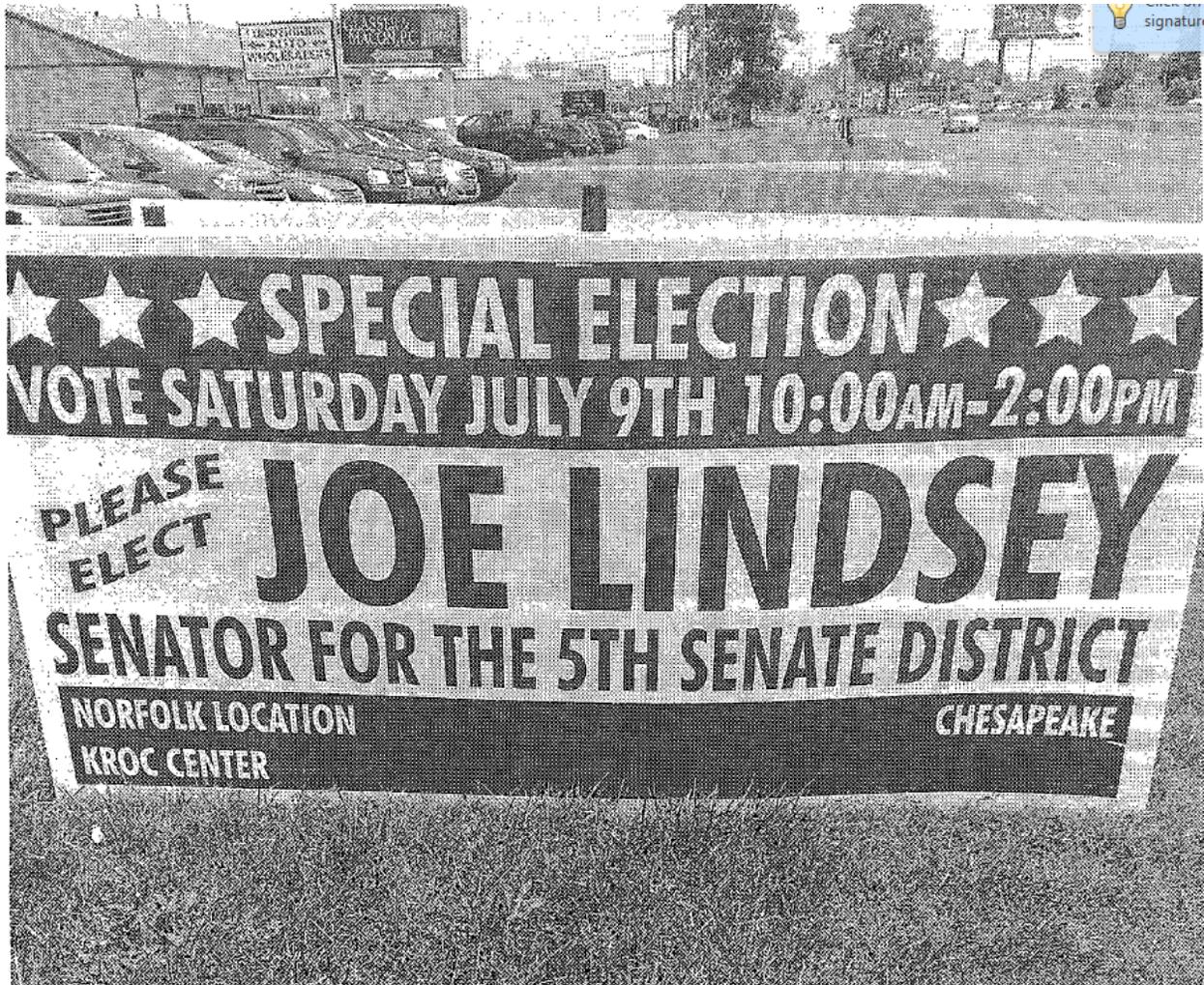
According to Section 24.2-955.3 (D) of the Code of Virginia, as amended, the State Board shall determine whether to find a violation of this section and to assess a civil penalty. For your convenience, I am enclosing a copy of that section.

At this time, no evidence has been presented to me that would substantiate a willful violation. Therefore, I am forwarding the enclosed to the State Board for action you deem appropriate. The special election will be held on July 9, 2016.

Very truly yours,

Handwritten signature of Nancy G. Parr in cursive script.
Nancy G. Parr

NGP/rlp
Enclosure



★ ★ ★ SPECIAL ELECTION ★ ★ ★
VOTE SATURDAY JULY 9TH 10:00AM-2:00PM

PLEASE
ELECT
JOE LINDSEY
SENATOR FOR THE 5TH SENATE DISTRICT

NORFOLK LOCATION
KROC CENTER

CHESAPEAKE



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

April 20, 2017

Joe Lindsey for Senate
500 East Plume Street, 105
Norfolk, VA 23510
Jlindseypc@gmail.com

Dear Mr. Lindsey,

The State Board of Elections received a complaint about a possible violation of Virginia's Stand by Your Ad law; specifically, a yard sign that omits the disclosure statement required by the Code of Virginia § 24.2-956. Stand by Your Ad provisions require disclaimers on political advertisements appearing in print media, television ads and on radio.

The Code of Virginia § 24.2-955.3 provides that all disclaimer complaints go to the Board to determine the amount of civil penalties to be assessed. Civil penalties for violations of the print media requirements of Stand by Your Ad may not exceed \$2500.

The Board is holding its public meeting on Monday, May 1, 2017 at 2:00 p.m. You may attend and/or provide information to the Board which may help the Board reach a decision. If you cannot appear you will be notified by letter of the Board decision. Should the Board decide to assess a penalty, payment must be made within 30 days of the receipt of a letter advising you of the Board decision.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Elizabeth Howard
Deputy Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

May 2, 2017

Joe Lindsey for Senate
500 East Plume Street, 105
Norfolk, VA 23510
Jlindseypc@gmail.com

Dear Mr. Lindsey,

This is in regards to the May 1, 2017 meeting of the State Board of Elections, at which a complaint against your committee for violation of Virginia's Stand by Your Ad law was scheduled to be discussed. At that meeting, the Board decided to defer a final decision on the matter until a later date. You will be notified in advance of the time and date of any future meeting at which the Board decides to discuss the complaint against your committee.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Elizabeth Howard
Deputy Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

June 13, 2017

Joe Lindsey for Senate
500 East Plume Street, 105
Norfolk, VA 23510
Jlindseypc@gmail.com

Dear Mr. Lindsey,

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The Code of Virginia § 24.2-955.3 provides that all disclaimer complaints go to the Board to determine the amount of civil penalties to be assessed. Civil penalties for violations of the print media requirements of Stand by Your Ad may not exceed \$2500.

The Board is holding its public meeting on Tuesday, June 27, 2017 at 10:30 a.m. You may attend and/or provide information to the Board which may help the Board reach a decision. If you cannot appear you will be notified by letter of the Board's decision. Should the Board decide to assess a penalty, payment must be made within 30 days of the receipt of a letter advising you of the Board decision.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Brooks C. Braun
Policy Analyst

3.

**Complaint Against Awareness Manassas
November 8, 2016 General Election
Submitted by Steve Hersch**

Clemons, Nikki (ELECT)

From: Stephen Hersch <stephen.hersch@gmail.com>
Sent: Thursday, February 16, 2017 6:01 PM
To: Braun, Brooks (ELECT)
Cc: Miller, Rise (ELECT)
Subject: Re: "Friends of Team Manassas" PAC Disclosure Violations
Attachments: Awareness Manassas Mailer 10-27-2016 Hiding Records (compressed).pdf; Awareness Manassas Mailer 10-31-2016 Corruption (compressed).pdf; Awareness Manassas Mailer 11-2-2016 Sebesky (compressed).pdf; Awareness Manassas USPS Confirmation of Advertising Mail Dates and Volumes 2-6-2016.pdf; SOO_AwarenessManassas.pdf; Awareness Manassas Campaign Finance Report 1-17-2017.pdf; Awareness Manassas Filing with Manassas Electoral Board 11-07-2016 (compressed).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Brooks,

Hope you are well.

I wish to file a complaint against Awareness Manassas PAC (Committee #16-00378) for violations of Virginia elections code. I am not sure of the specific code section(s) that may apply in each case, but have indicated at least one code section where I think it may apply.

I. Failure to timely file Statement of Organization ("SOO") with State Department of Elections:

- The committee did not file an original, signed copy of its SOO with the Virginia Department of Elections within 10 days of organization or within 10 days after the date on which the committee had information that it expected to receive contributions and/or expend funds of more than \$200. The SOO states that the PAC received contributions exceeding \$200 on 10/5/2016, but the SOO is not dated until 10/28/2016 and was not received by the Department of Elections until 11/15/2016 (per . The committee faxed a copy of the SOO to the City of Manassas Electoral Board on 11/7/2016, one day before the election.

II. False information on the original signed SOO submitted to the State Department of Elections:

- The 'Type of Statement' was marked to indicate both "New" and "Amended"
- The address provided for 'Treasurer Residential Address' is a mailbox at the UPS Store located at 9532 Liberia Ave, Manassas.
- The address provided for 'Principal Custodian of the Books Residential Address' is a mailbox at the UPS Store located at 9532 Liberia Ave, Manassas.
- The address provided for 'Address Where Books are Maintained' is a mailbox at the UPS Store located at 9532 Liberia Ave, Manassas.

III. Violations of Title 24.2 Chapter 9.5:

Specifically, Awareness Manassas PAC violated § 24.2-956.1 by distributing by mail 9,675 pieces of print media advertising (3 mailings, each consisting of 3,225 pieces) that opposed the election of one or

more clearly identified candidates without the sponsor stating whether the advertisement was authorized by a candidate. The visual legend in these advertisements did not state either "Authorized by [Name of candidate], candidate for [Name of office]" or "Not authorized by a candidate." These violations occurred within the 14 days prior to the election to which the advertisements pertained.

- The first mailing of 3,225 pieces (mail date 10/27/2016), "Hiding Records," specifically opposed the election of clearly identified Manassas City Council candidates Mark Wolfe and Pam Sebesky.
- The second mailing of 3,225 pieces (mail date 10/31/2016), "Corruption," also specifically opposed the election of clearly identified Manassas City Council candidates Mark Wolfe and Pam Sebesky.
- The third mailing of 3,225 pieces (mail date 11/2/2016), "Sebesky," specifically opposed the election of clearly identified Manassas City Council candidate Pam Sebesky.

IV. Failure to timely file Independent Expenditure Reports:

On three separate occasions the committee did not file an Independent Expenditure Form with the local electoral board within 24 hours of making the expenditure or within 24 hours after the expenditure is disseminated, whichever was first:

- The committee filed an Independent Expenditure Report dated 10/27/2016 for direct mail expense listing Date Disseminated to Public of 10/27/2016 and Date Funds Expended of 10/29/2016. The report was therefore due on 10/28/2016, but was not filed with the Manassas City Electoral Board until 11/7/2016 (via fax), one day before the election.
- The committee filed an Independent Expenditure Report dated 10/31/2016 for direct mail expense listing Date Disseminated to Public of 10/31/2016 and Date Funds Expended of 10/29/2016. The report was therefore due on 10/30/2016, but was not dated until 10/31/2016 and was not filed with the Manassas City Electoral Board until 11/7/2016 (via fax), one day before the election.
- The committee filed an Independent Expenditure Report dated 11/2/2016 for direct mail expense listing Date Disseminated to Public of 11/2/2016 and Date Funds Expended of 10/29/2016. The report was therefore due on 10/30/2016, but was not dated until 11/2/2016 and was not filed with the Manassas City Electoral Board until 11/7/2016 (via fax), one day before the election.

V. False information on the Campaign Finance Report submitted to the State Department of Elections for the period ending 12/31/2016 (dated 1/17/2017):

- Schedule A of the Campaign Finance Report states that the committee received its first contributions over \$100 on 10/17/2016 (composed of two contributions in the aggregate amount of \$4,800), and the remainder of its contributions over \$100 for the period on 10/24/2016 (also composed of two contributions in the aggregate amount of \$4,800). Schedule G of the Campaign Finance Report states that the committee received no other contributions. However, the SOO dated 10/28/2016 certified that the PAC received contributions exceeding \$200 on 10/5/2016.
- The Campaign Finance Report states that the committee made its sole expenditure for the reporting period in the amount of \$9,600 to Tactical Creative Communications (sic) on 10/31/2016. However, the Independent Expenditure Reports dated 10/27/2016, 10/31/2016, and 11/2/2016, respectively, (all filed not timely on 11/7/2016) each individually certify that all expenditures occurred on 10/29/2016.

Attached, please find the following:

- Copy of each of the printed media advertisements (3 total);
- Copy of verification from USPS of mailing dates and volumes for each of the printed media advertisements;
- Copy of Awareness Manassas original signed SOO dated 10/28/2016, as filed with the Virginia Department of Elections;
- Copy of Awareness Manassas Campaign Finance Report for the period 10/1/2016-12/31/2016 dated 1/17/2017 as filed with the Virginia Department of Elections (report marked received by Department of Elections on 1/23/2017, envelope not postmarked); and
- Copy of Awareness Manassas SOO dated 10/28/2016 and three Awareness Manassas Independent Expenditure Reports dated 10/27/2016, 10/31/2016, and 11/2/2016, respectively, as all of which were submitted together by fax to the City of Manassas Electoral Board on 11/7/2016. Please note that this copy and the SOO as submitted by Awareness Manassas to the local electoral board via fax omitted page two of that document stating the Purpose of Committee, Candidates the Committee Supports or Opposes, and Area, Scope and Jurisdiction of Committee.

Thank you very much for the assistance of you and your team. Please let me know if I can provide any additional information or if you have any questions.

Take care.

Best,

Steve

Stephen Hersch
9312 Mathis Ave
Manassas VA 20110
Ph 704-281-6885

Clemons, Nikki (ELECT)

From: Stephen Hersch <stephen.hersch@gmail.com>
Sent: Wednesday, February 22, 2017 3:39 PM
To: Braun, Brooks (ELECT)
Subject: Complaint against Awareness Manassas PAC

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon, Brooks...

Hope you're well.

Just following up to confirm that you received the complaint I submitted via email on February 16 against Awareness Manassas PAC.

Do I need to submit the complaint in physical written form, along with exhibits, by mail?

In any event, I am standing by to answer any questions and/or to provide any additional information that you and your team may desire/require. Also, if there are any issues concerning the format of my complaint or the manner in which it was stated, then I would greatly appreciate any additional guidance you could provide.

Thanks again.

Best,

Steve Hersch
Manassas
Ph 704-281-6885

Sorry about the delay.

We will definitely be addressing the complaints about violations of Chapter 9.5 (section (III) below). The complaints will be heard at the next meeting of the State Board of Elections in accordance with the procedures in the Code of Virginia § [24.2-955.3](#). The next meeting has yet to be scheduled, but you will be notified as soon as we know when these complaints will be heard by the Board.

As for your complaints in (I),(II),(IV), and (V) below, the Department of Elections is taking these into consideration. That said, if you feel that unlawful conduct under Title 24.2 has taken place, you have the option under Va. Code § [24.2-1019](#) to report those violations to the Commonwealth's attorney of the county or city in which the alleged violation occurred.

Please let me know if you have any further questions; I'm happy to help.

Sincerely,

Brooks E. Braun, Esq.

Policy Analyst

Virginia Department of Elections

1100 Bank Street

Richmond, VA 23219

Direct: 804.864.8924

Toll free: [800.552.9745 ext. 8924](#)

Remember - Virginia law now requires photo identification when voting in person.

Disclaimer: This message is not legal advice, nor a binding statement of official policy. It is intended only for the use of the name addressee(s). Any other use is prohibited. If you received this message in error, please call me and delete the message and any attachments without forwarding, copying or otherwise disclosing them. Thank you.

Clemons, Nikki (ELECT)

From: Stephen Hersch <stephen.hersch@gmail.com>
Sent: Friday, February 24, 2017 12:04 PM
To: Braun, Brooks (ELECT)
Subject: Re: Complaint against Awareness Manassas PAC

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Brooks,

Thank you very much for the update and for your time. I know that you are always very busy, but particularly so when the GA is in session.

I am very pleased to hear that the SBE will be taking up the disclosure violations by Awareness Manassas PAC, but also really hope that the Board will consider the other violations, especially where obviously false information was provided on documents submitted to the Department and where required reports were filed very late.

For instance, I believe the whole intent for requiring Independent Expenditure Reports to be filed within 24 hours of expenditure for or dissemination of political advertising (whichever occurs first) is to prevent unknown actors in our elections from hiding their identities. But that is exactly what Awareness Manassas PAC did in this case, where the IE reports were (for the most part) dated on time, but held by the PAC and not actually submitted to the local electoral board until the afternoon of the day before the election.

Taken altogether, I believe the evidence is clear of a particularly egregious attempt to skirt Virginia campaign finance and election law. For that reason, I very respectfully request that all of the complaints receive your full consideration for potential action directly by the Board.

As always, I am very grateful for the work of you and your team. For those of us who really try to play by the rules in the conduct of campaigns and elections, we hope to see those who do not be held properly and fairly to account, especially when violations are so abundantly and objectively obvious, as in this case.

Take care.

Best,

Steve

Steve Hersch
Manassas
Ph 704-281-6885

On Fri, Feb 24, 2017 at 11:02 AM, Braun, Brooks (ELECT) <Brooks.Braun@elections.virginia.gov> wrote:

Steve,



Why are **MARK WOLFE** and **PAM SEBESKY** hiding their records?



9512 Liberia Ave #264
Manassas, VA 20110

Presorted Standard
US Postage
PAID
Targeted Creative
Communications, Inc.

MARK WOLFE and **PAM SEBESKY** are self-serving politicians. We cannot trust them.



The Washington Post

“Mark Wolfe, Manassas City Council member, votes to fund own arts group”

—*The Washington Post*, July 9, 2013

Corrupt politician Mark Wolfe uses his seat on City Council to line his family's pockets with our tax dollars, instead of helping our community. Mark Wolfe:

- Repeatedly raised taxes and used those tax dollars to enrich himself
- Sent over \$100,000 of taxpayer money to the Manassas Ballet. He is the executive director and his wife is on the ballet's payroll.¹
- Kept his connections with the ballet secret while voting to give the ballet more taxpayer dollars

MARK WOLFE cannot be trusted
with our tax dollars.

Paid for by Awareness Manassas

“my daughter was brutally beaten by another student... Pam Sebesky vilified my daughter and family”

—Rochelle Cash, mother

Manassas City School Board Member Pam Sebesky has a history of endangering our children. We cannot trust her to keep our community safe. As a member of the school board, Pam Sebesky:

- **Blamed** the victim of a vicious attack at a middle school in our community—the victim sustained a concussion and possible permanent retinal damage²
- **Turned** the other check, even though the student attacker was found guilty of felony malicious wounding
- **Vilified** the victim and her family

1. *The Washington Post* 6/20/13
2. insiderova.com, 3/25/16

PAM SEBESKY cannot be trusted
to keep our community safe.



Corruption

(*kuh-ruh-p-shuh n*):

Departure from what is legally,
ethically, and morally correct.

9532 Libera Ave #264
Manassas, VA 20110

Presorted Standard
US Postage
PAID
Targeted Creative
Communications, Inc.

Mark Wolfe and Pam Sebesky are the definition of corruption.



“Mark Wolfe, Manassas City Council member, votes to fund own arts group”

—The Washington Post
July 9, 2013

Mark Wolfe lines his pockets with your tax dollars.

Manassas City Council Member Mark Wolfe voted to give tax dollars to the Manassas Ballet. But at the same time, Wolfe was the ballet's Executive Director, so he stood to gain from it. Because of Mark Wolfe's vote, his organization got taxpayer dollars. **That's a conflict of interest.**

Greedy and dishonest

Mark Wolfe **hid his connections to the ballet until after the vote.** A fellow City Council member said, “It stinks.”¹ Another said, “The honorable thing to do is Mr. Wolfe recuse himself.”² He didn't. Since then, he's **spent our dollars recklessly.** Wolfe recently declared bankruptcy and wants more of our money for himself.

Pam Sebesky turns the other cheek on school violence.

Manassas City School Board member Pam Sebesky **has a history of endangering our children.** When a student was violently beaten, sustaining a concussion and possible permanent eye damage, Sebesky **blamed the victim** and vilified the victim's family.³

Power hungry

Pam Sebesky failed to fulfill her number one responsibility as a school board member—protecting our children. Now, she's running for City Council because **she wants more power,** but she doesn't deserve it. Pam Sebesky didn't put our children's safety first. We cannot trust her to keep our community safe.

1. *Post*, 7/10/13
2. *The Washington Post*, 6/20/13
3. *independencenews.com*, 3/25/16



“my daughter was brutally beaten by another student... Pam Sebesky vilified my daughter and family”

—Rochelle Cash,
mother

We cannot trust Mark Wolfe and Pam Sebesky on the Manassas City Council.

Paid for by Awareness Manassas



Pam Sebesky
failed to protect our kids.
Get the facts.

Presorted Standard
 U.S. Postage
 EFD
 Tagged Commerce
 Communications, Inc.

9532 Liberty Ave #204
 Manassas, VA 20108

Dear Manassas Residents,

My family moved out of the City of Manassas because of Pam Sebesky. In early 2016, my daughter was brutally beaten by another student at Metz Middle School. When our family brought our concerns to the Manassas City School Board, sitting member Pam Sebesky minimized a brutal assault and vilified my daughter and family.

Rather than assure us that my daughter and the other students at Metz would be safe, Pam Sebesky publicly shamed us. In her role as a school board member, Pam Sebesky spoke as if Metz was a perfect school. Sebesky refused to recognize the severe problems at hand. Instead of reassuring the community that she would address the issues, she spoke as if there were no issues to address. She did that then, and continues to do this now as she runs for City Council.

Manassas can no longer elect leaders who stick their heads in the sand. Manassas needs leaders brave enough to address and confront our problems. Pam Sebesky is not this person. Sebesky cares more about being a politician than she does about your child's safety. I know this personally, as when my daughter got bullied at school, we never imagined our entire family would be bullied a second time by Pam Sebesky.

Rochelle Cash
 Mother of Metz Middle School assault victim

On November 8th,
 vote **NO** on Pam Sebesky.

Paid for by Awareness Manassas

1. insidenova.com, 3/25/16



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

April 20, 2017

Awareness Manassas
9532 Liberia Ave., #264
Manassas, VA 20110
Integritymanassas@gmail.com

Dear Ms. Rice,

The State Board of Elections received a complaint about a possible violation of Virginia's Stand by Your Ad law; specifically, printed material disseminated through the mail that omits the disclosure statement required by the Code of Virginia § 24.2-956.1. Stand by Your Ad provisions require disclaimers on political advertisements appearing in print media, television ads and on radio.

The Code of Virginia § 24.2-955.3 provides that all disclaimer complaints go to the Board to determine the amount of civil penalties to be assessed. Civil penalties for violations of the print media requirements of Stand by Your Ad may not exceed \$2500.

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For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Elizabeth Howard
Deputy Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

May 5, 2017

Awareness Manassas
9532 Liberia Ave., #264
Manassas, VA 20110
Integritymanassas@gmail.com

Dear Ms. Rice,

This is in regards to the May 1, 2017 meeting of the State Board of Elections, at which a complaint against your committee for violation of Virginia's Stand by Your Ad law was scheduled to be discussed. At that meeting, the Board decided to defer a final decision on the matter until a later date. You will be notified in advance of the time and date of any future meeting at which the Board decides to discuss the complaint against your committee.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Elizabeth Howard
Deputy Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

June 13, 2017

Awareness Manassas
9532 Liberia Ave., #264
Manassas, VA 20110
Integritymanassas@gmail.com

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For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Brooks C. Braun
Policy Analyst

Clemons, Nikki (ELECT)

From: SBE - INFO, rr (ELECT)
Sent: Monday, May 01, 2017 9:57 AM
To: Braun, Brooks (ELECT)
Subject: FW: Board Public meeting on Monday, May 1, 2017

From: Integrity Manassas [mailto:integritymanassas@gmail.com]
Sent: Thursday, April 27, 2017 9:57 PM
To: SBE - INFO, rr (ELECT) <INFO@elections.virginia.gov>
Subject: Re: Board Public meeting on Monday, May 1, 2017

Chairman Alcorn et al.,
Thank you and the committee for the opportunity to offer information regarding this matter.

First, to be clear, any disclosure errors were unintentional. Our organization relied heavily on the advice of design consultants at the mail house which prepared the mailers- perhaps too much so. We apologize if any errors are found to exist and will use this knowledge going forward to enact remediation efforts to ensure full compliance in the future.

Awareness Manassas is an independent PAC and no candidate, candidate's committee or candidate's agent provided approval, express or otherwise, regarding PAC activities or content. A strict reading of statute would conclude that print media containing express advocacy would require a full disclosure statement, including "not authorized by any candidate", and it is possible the board will conclude this statement is lacking in our case.

However, we would like to offer that there is some confusion regarding what constitutes "express advocacy" and in turn, what media even falls under this requirement. This board has established the precedent of a rather strict interpretation of what constitutes "express advocacy", following a litmus test of requiring the presence of "magic words" such as "Vote for..."; "Support"; "Elect..."; "Smith for Congress"; "Send Him Home"; "Oppose", etc., going so far as to dismiss Stand by Your Ad complaints for media lacking these phrases and thus not triggering the mandates of express advocacy. We ask that the same standards be applied evenly to the complaint against our media, as not all our print media contain these "magic words".

If this board concludes disclosures are required, we would submit that all media contains at least a portion of the disclosure, demonstrating substantial conformance with statute, and that any incompleteness and/or errors were unintentional.

To close, we apologize if the board finds our interpretation of statute was incorrect and we accept any decisions made by this body and will take what we learn from this experience to ensure compliance going forward.

Heather Rice
Awareness Manassas

Tue, Apr 25, 2017 at 11:08 PM, Integrity Manassas <integritymanassas@gmail.com> wrote:

Good evening,

I received a letter regarding a complaint Awareness Manassas received of a possible violation of "Virginia's Stand by Your Adlaw" in reference to COV 24.2-956.1. Please advise on how a response can be submitted to provide information to the Board in the case that I would not be able to attend the meeting.

Most sincerely,
Heather Rice
[575.430.6753](tel:575.430.6753)

4.

**Complaint Against Daniels Campaign
November 8, 2016 General Election
Submitted by Joanne Sanders**

From: joannesanders415@yahoo.com [mailto:joannesanders415@yahoo.com]
Sent: Thursday, July 28, 2016 4:49 PM
To: Stenbjorn, Paul (ELECT) <Paul.Stenbjorn@elections.virginia.gov>
Subject: Elected candidates - disclosure

Mr. Stenbjorn,

Per our discussion of earlier this afternoon, I am following up with photos of the campaign materials I have seen for candidates in the City of Richmond that are not including the required campaign disclosure statements.

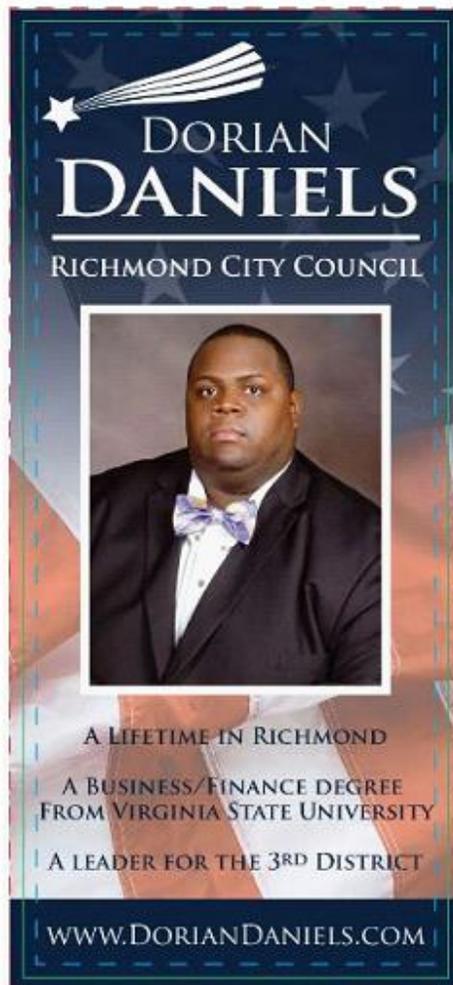
This is just a smattering of what I have seen, but it is very disturbing that people seeking elected office are not being held accountable to follow basic election law. This includes outside signage, billboards, tee-shirts, lawn signs, palm cards, brochures, etc.

As I mentioned when we spoke, I spoke with Ms. Miller in your office and she told this would not be raised as an issue with the election board until November 8th, which frankly seems a bit late since

1

that's actually election day and I don't think it should be the case that candidates be allowed to distribute materials between now and the election that are in clear violation of the law.

Please let me know how I need to proceed in order to file a formal complaint.





★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

August 22, 2016

Daniels Campaign

P.O. Box 25367

Richmond, VA 23260

Dozian_daniels@hotmail.com

Dear Mr. Daniels,

The Department of Elections has received a complaint about a possible violation of Virginia's Stand by Your Ad law (Chapter 9.5 of Title 24.2 of the Code of Virginia) by your committee. A copy of the complaint is attached for your reference.

Section 24.2-955.3 of the Code of Virginia requires that certain political advertisements in print media, including yard signs, or on radio or television contain specific disclosure statements provided in Stand by Your Ad. Campaign telephone calls also require specific disclosures. Please review any communications put out by your committee to ensure that they are in compliance with the law. Failure to do so in a timely manner may result in an increased civil penalty.

Section 24.2-955.3 of the Code requires that all valid complaints come before the State Board of Elections, in a public hearing, to determine whether or not there is a violation of Stand by Your Ad and to assess a civil penalty. Once it has been set, you will be notified of the date and time of this hearing. You may provide any information you may have to dispute the complaint via email to brooks.braun@elections.virginia.gov.

If you need further information please feel free to contact me at 1-800-552-9745 ext. 8924.

Sincerely,

Brooks C. Braun, Esq.
Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

April 20, 2017

Daniels Campaign
P.O. Box 25367
Richmond, VA 23260
Dorian_daniels@hotmail.com

Dear Mr. Daniels,

The State Board of Elections received a complaint about a possible violation of Virginia's Stand by Your Ad law; specifically, a pamphlet that omits the disclosure statement required by the Code of Virginia § 24.2-956. Stand by Your Ad provisions require disclaimers on political advertisements appearing in print media, television ads and on radio.

The Code of Virginia § 24.2-955.3 provides that all disclaimer complaints go to the Board to determine the amount of civil penalties to be assessed. Civil penalties for violations of the print media requirements of Stand by Your Ad may not exceed \$2500.

The Board is holding its public meeting on Monday, May 1, 2017 at 2:00 p.m. You may attend and/or provide information to the Board which may help the Board reach a decision. If you cannot appear you will be notified by letter of the Board decision. Should the Board decide to assess a penalty, payment must be made within 30 days of the receipt of a letter advising you of the Board decision.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Elizabeth Howard
Deputy Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

May 5, 2017

Daniels Campaign
P.O. Box 25367
Richmond, VA 23260
Dorian_daniels@hotmail.com

Dear Mr. Daniels,

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Sincerely,

Elizabeth Howard
Deputy Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

June 13, 2017

Daniels Campaign
P.O. Box 25367
Richmond, VA 23260
Dorian_daniels@hotmail.com

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Sincerely,

Brooks C. Braun
Policy Analyst

5.

**Complaint Against Ellen Robertson for 6th District
November 8, 2016 General Election
Submitted by Alex Parker**

From: Alex Parker [mailto:alexanderparker@fastmail.net]
Sent: Thursday, September 29, 2016 11:36 AM
To: Mansfield, Rose (ELECT)
Subject: Ellen Robertson Mailer (Disclaimer Complaint)

To whom it may concern,

I received this campaign mail a couple days ago, and it does not disclose who paid for it.

I would like to file a complaint.

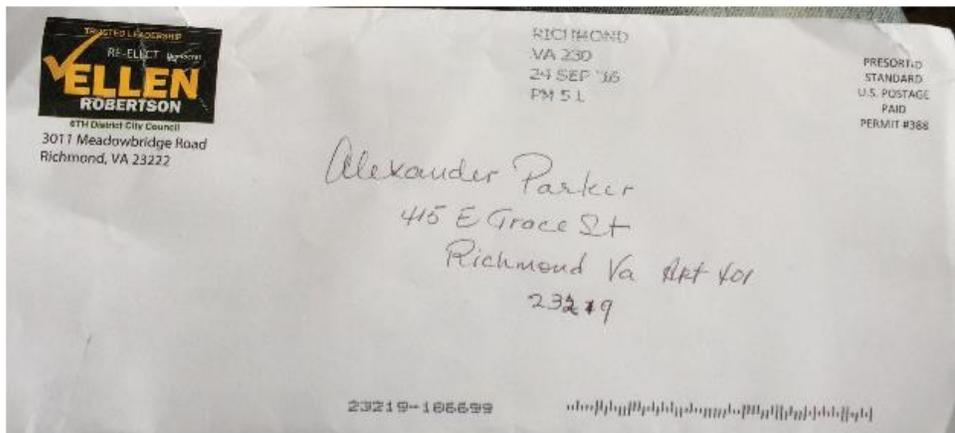
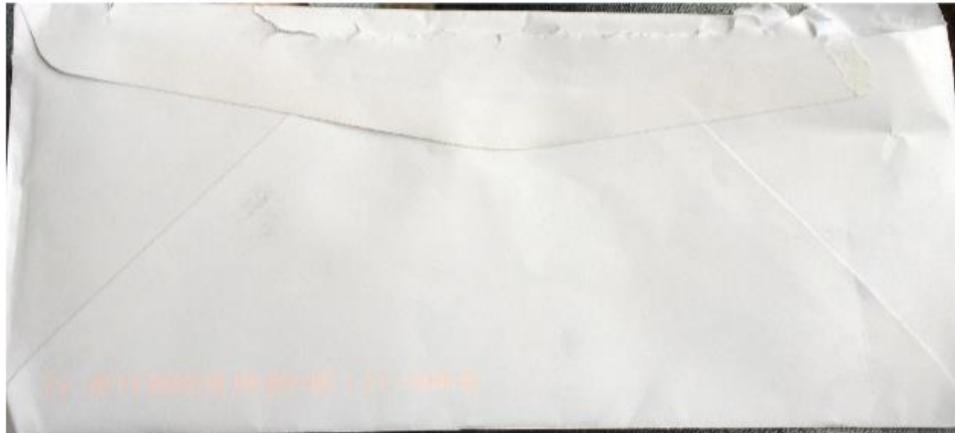
Thank you for your time.

-Alex

Alex Parker • 571.243.2011
alexanderparker@fastmail.net

Begin forwarded message:

From: Alex Parker <alexanderparker@fastmail.net>
Date: September 29, 2016 11:26:56 AM EDT
To: Alex Parker <alexanderparker@fastmail.net>
Subject: Ellen Robertson Mailer





Councilwoman Ellen Robertson, cont. Legislative Actions/Accomplishments

Provided Legislation for Park Funding

- Provided funding for Lousie Caine Park, Diversity Park, Ann Hardy Park new renovation
- Gained funding for Bellemeade renovation, full gym, basketball courts, and swimming pool
- Developed Cannon Creek East Course paved, lighted Bike and Pedestrian Trail
- Secured funding for Potterfield Memorial Bridge and miles of new bike lanes
- Provided funding for Hotchkiss renovation and new outside basketball courts
- Secured funding for James River Park/Brown's Island and renovation of Kanawha Plaza

Sponsored Legislation for Fiscal Accountability

- Pushed for Stormwater Projects quarterly report
- Pushed for Fiscal Impact and return on investment for all development proposals
- Pushed for better accountability of minority and section 3
- Pushed for better accountability on quarterly Reports of Retirement funds and monthly Financial Reports

Created Legislation for Economic Development - revenue and employment

- Required a citizen engaged 3 year economic development strategy
- Required a performance bond at \$500K
- Required return on investment analysis for all city fund investment
- Secured the North Ave, Meadowbridge and Hull Street Economic Development Zone
- Advocated for BRT and rapid transit for Jefferson Davis Highway
- Secured millions in new/expanded businesses and jobs in downtown
- Pushed for Arts/Tourism Zones

Created Legislation for Facilities and Infrastructure

- Provided for the largest lane mile paved in the 6th District
- Generated side walk study implementation in Bellemeade
- Ensured sidewalks repairs and trees grooming throughout the district
- Pushed for storm water drainage cleaning to be revisited
- Fought for Firehouse upgrades
- Pushed to build new Police Headquarters
- Ensured Library renovations in Downtown and on Hull Street



Work Done-Full-time Councilwoman





Full-time

Councilwoman Ellen F. Robertson

Legislative Actions/Accomplishments

Dedicated Richmond Democrat

"Getting the Right things Done the Right Way"

6th District



Sponsored Legislation for Richmond Public Education

- Provided for increased funding for operations and facilities at over \$40 million
- Built three new schools in the District- Oakgrove-Bellemeade, MLK middle school, New Preschool Center
- Provided funding to support PTA
- Supported the policy to recap all revenues from sale or lease of school building for schools
- Secured funding for a new Overby Sheppard school building
- Secured funding for major repair at Overby Sheppard to avoid closing this community school

Fought for Legislation for Improved and Increased Housing and Community Development

- Established RVA's first Affordable Housing Trust Fund
- Patron 30/30 housing policy to require 30% funding for families at 30% income level
- Secured density policy for increase in affordable dwelling units
- Created derelict building policy
- Pushed for tax incentives to increase new construction in conservation and rehabilitation communities
- Secured Senior Home Repairs through Rebuilding Richmond
- Secured tax relief for seniors and the disabled
- Ensured bonding to support development in Downtown and Manchester
- Fought for a tax delinquent housing redevelopment policy
- Increased communities built- Highland Grove, Seniors at 6Points, Chestnut at Matthews, Barton House, Mimosa Creeks, and Manchester and Downtown

Fought for Legislation against CRIME, Drugs and Incarceration

- Demolished and built new Justice Center
- Fought for and Chair Alternative to Incarceration Board reducing mass incarceration
- Pushed for Community Policing model in the City
- Created policy to remove open public street drug trading
- Provided funding for drug treatment with RBHA, Rubicon and Healing Place
- Created inmate job training /workforce placement with public /private partnerships

Created Legislation for COMMUNITY WEALTH BUILDING-REDUCING POVERTY

- Patron and co-chair the creation of the MLW anti-poverty Community Wealth Building Commission
- Formed workforce innovation center - After school program for Middle School students
- Pushed the operation of public health clinic and housing advisors in RRHA communities
- Pushed the formation of high school navigators in all RPS high schools
- Ensured youth summer jobs



-Learn More on reverse side-

Councilwoman Ellen F. Robertson

3011 Meadowbridge Road
Richmond, VA 23222
(804) 512-2702

September 22, 2016

To the Honorable RCDC Membership

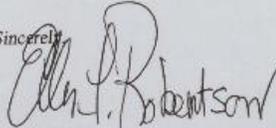
As you know, I am seeking re-election to continue serving as Richmond's 6th District City Councilwoman. I am asking for your support and vote for the RCDC endorsement. I have always fought for Democrat values and principles; carrying out an aggressive agenda to support our causes. Your endorsement is critical to the success of my re-election. As always, I will continue the fight to achieve our shared vision while bringing strong, honest and visionary leadership to our District, City and Region.

Enclosed is a summary of key legislation and accomplishments I have fought for and achieved as your representative on the Richmond City Council. To continue in leadership to move the City forward the following are my top priorities:

1. **Sustainable, accountable, effective Administrative Operation:** City employee turnover and vacancies contribute greatly to the City's poor operation and management. New policies and evaluations are needed for our new Mayor-strong government which hire, reward and sustain qualified staff to achieve the City's goals and expectations.
2. **Economic Development** must become our primary source of new revenue: Now is the time to ensure that Richmond is no longer the highest concentrated City of poverty in Virginia. Jefferson Davis Turnpike, Commerce Road and the Port of Richmond will be the regional connectors to economic commerce, creative workforce innovation, and quality inclusive community living. Our tolerance for blight and vacant parcels of land must be overcome through creative investment incentives. Fiscal strength and sustainability will be achieved not by being the highest taxed in the region, but by smart investment decisions yielding greater returns.
3. **Academic Achievement:** All of our children will be educated to the absolute best of their abilities. Uneducated children are our current and future parents of poverty. They could be in the pipeline to incarceration.
4. **Poverty Elimination:** Putting people to work, earning at-least a living wage, will address many of the City's problems. Providing safe, decent communities with access to opportunities will make Richmond the best and first place to call home.

I will endeavor to maintain your trust and implement an aggressive campaign strategy to win this re-election on November 8th and fulfill your expectations. Thank you in advance for your most valued endorsement.

Sincerely,



Ellen F. Robertson
Re-Elect Candidate for 6th District City Council
City of Richmond, VA

Alex Parker • 571.243.2011
alexanderparker@fastmail.net

Braun, Brooks (ELECT)

From: Alex Parker <alexanderparker@fastmail.net>
Sent: Saturday, October 15, 2016 11:27 AM
To: Braun, Brooks (ELECT)
Subject: Re: Ellen Robertson Mailer (Disclaimer Complaint)

Follow Up Flag: Follow up
Flag Status: Flagged

Brooks C. Braun Esq.

This flyer appeared on my door couple days ago, and it does not disclose who paid for it.

I would like to file another complaint.

Thank you for your time.

-Alex

sent from ma fone.

Front:

A New & Exciting
Playground at
Ann Hardy
Park 1st & Carolina Ave

BEING YOUR
CHILDREN, BEING
YOUR FAMILY!

COUNCILWOMAN ELLEN F. ROBERTSON

ALL BRAND NEW FOR YOU

"Caring About the
Community—that's
what I enjoy most..."

"Getting the Right
things done the Right way."





★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

September 30, 2016

Councilwoman Ellen F. Robertson

3011 Meadowbridge Rd.

Richmond, VA 23222

Dear Ms. Robertson,

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If you need further information please feel free to contact me at 1-800-552-9745 ext. 8924.

Sincerely,

Brooks C. Braun, Esq.
Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

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Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

April 20, 2017

Councilwoman Ellen F. Robertson
3011 Meadowbridge Rd.
Richmond, VA 23222

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Sincerely,

Elizabeth Howard
Deputy Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

May 5, 2017

Councilwoman Ellen F. Robertson
3011 Meadowbridge Rd.
Richmond, VA 23222

Dear Ms. Robertson,

This is in regards to the May 1, 2017 meeting of the State Board of Elections, at which a complaint against your campaign for violation of Virginia's Stand by Your Ad law was scheduled to be discussed. At that meeting, the Board decided to defer a final decision on the matter until a later date. You will be notified in advance of the time and date of any future meeting at which the Board decides to discuss the complaint against you.

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Sincerely,

Elizabeth Howard
Deputy Commissioner



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STATE BOARD *of* ELECTIONS

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James B. Alcorn
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Singleton McAllister
Secretary

June 13, 2017

Councilwoman Ellen F. Robertson
3011 Meadowbridge Rd.
Richmond, VA 23222

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Sincerely,

Brooks C. Braun
Policy Analyst

6.

**Complaint Against Friends of Candidate Coleman
November 8, 2016 General Election
Submitted by Joanne Sanders**

Braun, Brooks (ELECT)

From: Stenbjorn, Paul (ELECT)
Sent: Friday, July 29, 2016 9:40 AM
To: Braun, Brooks (ELECT)
Subject: FW: Elected candidates - disclosure
Attachments: 13775980_148822322215292_5860766545101306060_n.jpg; 13654133_148822288881962_1997665144309861629_n.jpg; 13501846_10210066507078072_180497271447345261_n.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Paul E. Stenbjorn
Director of Election Administration and Election Technology Certification and Security
Virginia Department of Elections
1100 Bank Street, First Floor
Richmond, Virginia 23219

paul.stenbjorn@elections.virginia.gov
office: 804.864.8952

Department of Elections Email Disclaimer:

This message, including any attachments, may summarize laws, regulations and policies of the Virginia Department of Elections or the Commonwealth of Virginia. Such summaries do not constitute legal advice and we recommend you consult an attorney for questions regarding your specific situation. Furthermore, this message and any responses sent to this email address may be subject to public disclosure under FOIA. For more information, please call the Virginia Department of Elections at 1-800-552-9745.

From: joannesanders415@yahoo.com [mailto:joannesanders415@yahoo.com]
Sent: Thursday, July 28, 2016 4:49 PM
To: Stenbjorn, Paul (ELECT) <Paul.Stenbjorn@elections.virginia.gov>
Subject: Elected candidates - disclosure

Mr. Stenbjorn,

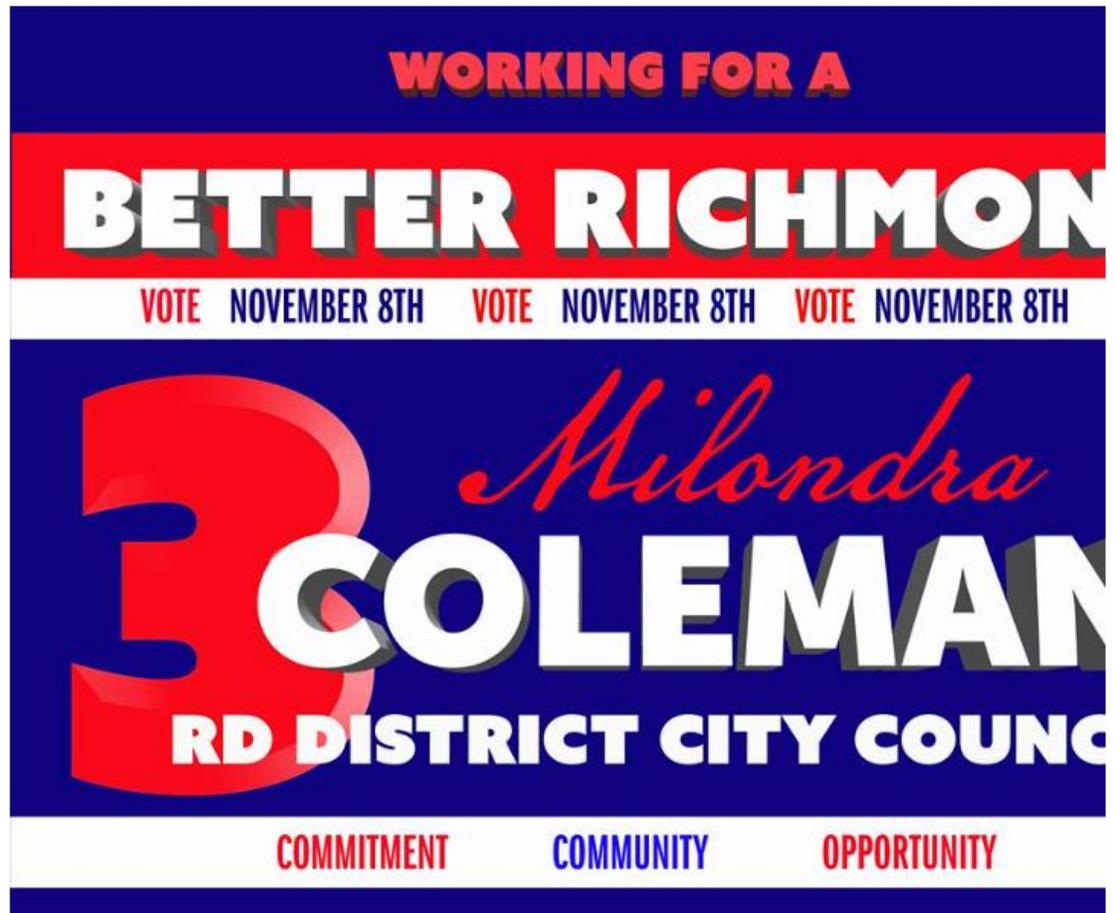
Per our discussion of earlier this afternoon, I am following up with photos of the campaign materials I have seen for candidates in the City of Richmond that are not including the required campaign disclosure statements.

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As I mentioned when we spoke, I spoke with Ms. Miller in your office and she told this would not be raised as an issue with the election board until November 8th, which frankly seems a bit late since

that's actually election day and I don't think it should be the case that candidates be allowed to distribute materials between now and the election that are in clear violation of the law.

Please let me know how I need to proceed in order to file a formal complaint.







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STATE BOARD *of* ELECTIONS

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Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

August 22, 2016

Friends of Candidate Coleman

3218 Jeter Ave.

Richmond, VA 23222

milondracolemanforcouncil@gmail.com

Dear Ms. Coleman,

The Department of Elections has received a complaint about a possible violation of Virginia's Stand by Your Ad law (Chapter 9.5 of Title 24.2 of the Code of Virginia) by your committee. A copy of the complaint is attached for your reference.

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Sincerely,

Brooks C. Braun, Esq.
Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

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Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

April 20, 2017

Friends of Candidate Coleman
3218 Jeter Ave.
Richmond, VA 23222
milondracolemanforcouncil@gmail.com

Dear Ms. Coleman,

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Sincerely,

Elizabeth Howard
Deputy Commissioner



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Singleton McAllister
Secretary

May 5, 2017

Friends of Candidate Coleman
3218 Jeter Ave.
Richmond, VA 23222
milondracolemanforcouncil@gmail.com

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Sincerely,

Elizabeth Howard
Deputy Commissioner



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June 13, 2017

Friends of Candidate Coleman
3218 Jeter Ave.
Richmond, VA 23222
milondracolemanforcouncil@gmail.com

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Sincerely,

Brooks C. Braun
Policy Analyst

7.

**Complaint Against Friends of Team Manassas
November 8, 2016 General Election
Submitted by Stephen Hersch**

Clemons, Nikki (ELECT)

From: stephen.hersch@manassasvotes.org
Sent: Friday, October 28, 2016 4:38 PM
To: Braun, Brooks (ELECT)
Subject: Fwd: "Friends of Team Manassas" PAC Disclosure Violations
Attachments: Friends of Team Manassas Post 10-27-2016.pdf

Subject: "Friends of Team Manassas" PAC Disclosure Violations

Date: 2016-10-28 15:11

From: stephen.hersch@manassasvotes.org

To: brooks.braun@elections.virginia.gov

Cc: Rise.Miller@elections.virginia.gov

Hi Brooks and Rise,

As I discussed with Rise by phone, there is a newly registered PAC called "Friends of Team Manassas" that is running online ads, posting videos and maintaining a website in violation of disclosure requirements.

Per the attached, the ads, videos and website are supporting and opposing specific named candidates, but the only disclosure provided is "Paid for by Friends of Team Manassas."

Can I get a copy of the violation notice, or do I have to submit a records request?

Thanks very much for your help with addressing these violations. I know this is your busiest time of year!

Take care.

Best,

Steve Hersch

Manassas Votes PAC

704-281-6885

stephen.hersch@manassasvotes.org

TEAM MANASSAS

Jon Way - Ian Lovejoy - Theresa Coates Ellis - Russ Harrison

VOTE NOVEMBER 8, 2016

Delivering Real Results for Manassas

Jon Way, Ian Lovejoy, Theresa Coates Ellis & Russ Harrison

 A record of fully funding our schools and first responders while respecting taxpayer dollars.

 A record of working with parents and teachers to improve our schools.

Demand greater accountability and transparency from our School Board.

 A record of improving local transportation and walkability in Manassas:

Fought for and secured federal transportation funding for our City

Restored commuter-parking cuts

Added a fifth lane to Centerville Road, reducing congestion

Built the overpass over Wellington Road

Widened Prince William Street, including adding bike paths

Secured NVTA funding to help reduce congestion along Rt. 28

Support planning for the Bicounty Parkway

 A record of honest and transparent leadership:

Working actively with citizens for commonsense solutions

Passing ethics reforms

Creating a more open and transparent government

Pam Sebesky, Mark Wolfe, and Rex Parr

 Support raising taxes on working families.

 Failed to work with parents and teachers to bring transparency and accountability to our schools.

 No plan for fixing our transportation problems.

 No plan for supporting our police and first responders.

 Councilmember Mark Wolfe has a record of using taxpayer dollars for his own personal interests.

He failed to properly disclose his financial interest in the Manassas Ballet Company and even refused to remove himself from a vote that would bring taxpayer funds to the company.

SCREEN SHOT OF VIDEO

TEAM MANASSAS
Jon Way - Ian Lovejoy - Theresa
Coates Ellis - Russ Harrison
VOTE NOVEMBER 8, 2016



VOTE
Theresa Coates Ellis
Ian Lovejoy
Jon Way
PAID FOR BY FRIENDS OF TEAM MANASSAS



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

June 13, 2017

Friends of Team Manassas
8922 Shadia Pl
Manassas, VA 20110
Info@teammanassas.com

Dear Mr. Lovejoy,

The State Board of Elections received a complaint about a possible violation of Virginia's Stand by Your Ad law by your committee; specifically, a website that omits the disclosure statement required by the Code of Virginia § 24.2-956.1. Stand by Your Ad provisions require disclaimers on political advertisements appearing in print media, television ads and on radio.

The Code of Virginia § 24.2-955.3 provides that all disclaimer complaints go to the Board to determine the amount of civil penalties to be assessed. Civil penalties for violations of the print media requirements of Stand by Your Ad may not exceed \$2500.

The Board is holding its public meeting on Tuesday, June 27, 2017 at 10:30 a.m. You may attend and/or provide information to the Board which may help the Board reach a decision. If you cannot appear you will be notified by letter of the Board's decision. Should the Board decide to assess a penalty, payment must be made within 30 days of the receipt of a letter advising you of the Board's decision.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Brooks C. Braun
Policy Analyst

8.

**Complaint Against Hassan J. Fountain for 3rd
District
November 8, 2016 General Election
Submitted by Joanne Sanders**

Braun, Brooks (ELECT)

To: Stenbjorn, Paul (ELECT)
Subject: RE: Elected candidates - disclosure

From: joannesanders415@yahoo.com [mailto:joannesanders415@yahoo.com]
Sent: Thursday, July 28, 2016 4:49 PM
To: Stenbjorn, Paul (ELECT) <Paul.Stenbjorn@elections.virginia.gov>
Subject: Elected candidates - disclosure

Mr. Stenbjorn,

Per our discussion of earlier this afternoon, I am following up with photos of the campaign materials I have seen for candidates in the City of Richmond that are not including the required campaign disclosure statements.

This is just a smattering of what I have seen, but it is very disturbing that people seeking elected office are not being held accountable to follow basic election law. This includes outside signage, billboards, tee-shirts, lawn signs, palm cards, brochures, etc.

As I mentioned when we spoke, I spoke with Ms. Miller in your office and she told this would not be raised as an issue with the election board until November 8th, which frankly seems a bit late since that's actually election day and I don't think it should be the case that candidates be allowed to distribute materials between now and the election that are in clear violation of the law.

Please let me know how I need to proceed in order to file a formal complaint.





Elect: Hassan J. Fountain

for 3rd District City Council

*Cordially invites you
to attend our
Campaign Fundraiser Dinner
with special guest.*

**Tickets \$35 Dinner
Saturday, July 23rd, 2016**

**Family Secrets Restaurant
5310 Chamberlayne Ave.
5pm - 9pm**



Please reserve your seat by Email: HJFountain3rdDistrict@aol.com or Call (804) 687-6

Sent from Yahoo Mail. [Get the app](#)



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

August 22, 2016

Hassan J. Fountain for 3rd District

3025 Noble Ave.

Richmond, VA 23222

HJFountain3rdDistrict@aol.com

Dear Mr. Fountain,

The Department of Elections has received a complaint about a possible violation of Virginia's Stand by Your Ad law (Chapter 9.5 of Title 24.2 of the Code of Virginia) by your committee. A copy of the complaint is attached for your reference.

Section 24.2-955.3 of the Code of Virginia requires that certain political advertisements in print media, including yard signs, or on radio or television contain specific disclosure statements provided in Stand by Your Ad. Campaign telephone calls also require specific disclosures. Please review any communications put out by your committee to ensure that they are in compliance with the law. Failure to do so in a timely manner may result in an increased civil penalty.

Section 24.2-955.3 of the Code requires that all valid complaints come before the State Board of Elections, in a public hearing, to determine whether or not there is a violation of Stand by Your Ad and to assess a civil penalty. Once it has been set, you will be notified of the date and time of this hearing. You may provide any information you may have to dispute the complaint via email to brooks.braun@elections.virginia.gov.

If you need further information please feel free to contact me at 1-800-552-9745 ext. 8924.

Sincerely,

Brooks C. Braun, Esq.
Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

April 20, 2017

Hassan J. Fountain for 3rd District
3025 Noble Ave.
Richmond, VA 23222
HJFountain3rdDistrict@aol.com

Dear Mr. Fountain,

The State Board of Elections received a complaint about a possible violation of Virginia's Stand by Your Ad law; specifically, a billboard, a yard sign, and a pamphlet that omit the disclosure statement required by the Code of Virginia § 24.2-956. Stand by Your Ad provisions require disclaimers on political advertisements appearing in print media, television ads and on radio.

The Code of Virginia § 24.2-955.3 provides that all disclaimer complaints go to the Board to determine the amount of civil penalties to be assessed. Civil penalties for violations of the print media requirements of Stand by Your Ad may not exceed \$2500.

The Board is holding its public meeting on Monday, May 1, 2017 at 2:00 p.m. You may attend and/or provide information to the Board which may help the Board reach a decision. If you cannot appear you will be notified by letter of the Board decision. Should the Board decide to assess a penalty, payment must be made within 30 days of the receipt of a letter advising you of the Board decision.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Elizabeth Howard
Deputy Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

May 5, 2017

Hassan J. Fountain for 3rd District
3025 Noble Ave.
Richmond, VA 23222
HJFountain3rdDistrict@aol.com

Dear Mr. Fountain,

This is in regards to the May 1, 2017 meeting of the State Board of Elections, at which a complaint against your campaign for violation of Virginia's Stand by Your Ad law was scheduled to be discussed. At that meeting, the Board decided to defer a final decision on the matter until a later date. You will be notified in advance of the time and date of any future meeting at which the Board decides to discuss the complaint against you.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Elizabeth Howard
Deputy Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

June 13, 2017

Hassan J. Fountain for 3rd District
3025 Noble Ave.
Richmond, VA 23222
HJFountain3rdDistrict@aol.com

Dear Mr. Fountain,

The State Board of Elections received a complaint about a possible violation of Virginia's Stand by Your Ad law; specifically, a billboard, a yard sign, and a pamphlet that omit the disclosure statement required by the Code of Virginia § 24.2-956. Stand by Your Ad provisions require disclaimers on political advertisements appearing in print media, television ads and on radio.

The Code of Virginia § 24.2-955.3 provides that all disclaimer complaints go to the Board to determine the amount of civil penalties to be assessed. Civil penalties for violations of the print media requirements of Stand by Your Ad may not exceed \$2500.

The Board is holding its public meeting on Tuesday, June 27, 2017 at 10:30 a.m. You may attend and/or provide information to the Board which may help the Board reach a decision. If you cannot appear you will be notified by letter of the Board's decision. Should the Board decide to assess a penalty, payment must be made within 30 days of the receipt of a letter advising you of the Board's decision.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

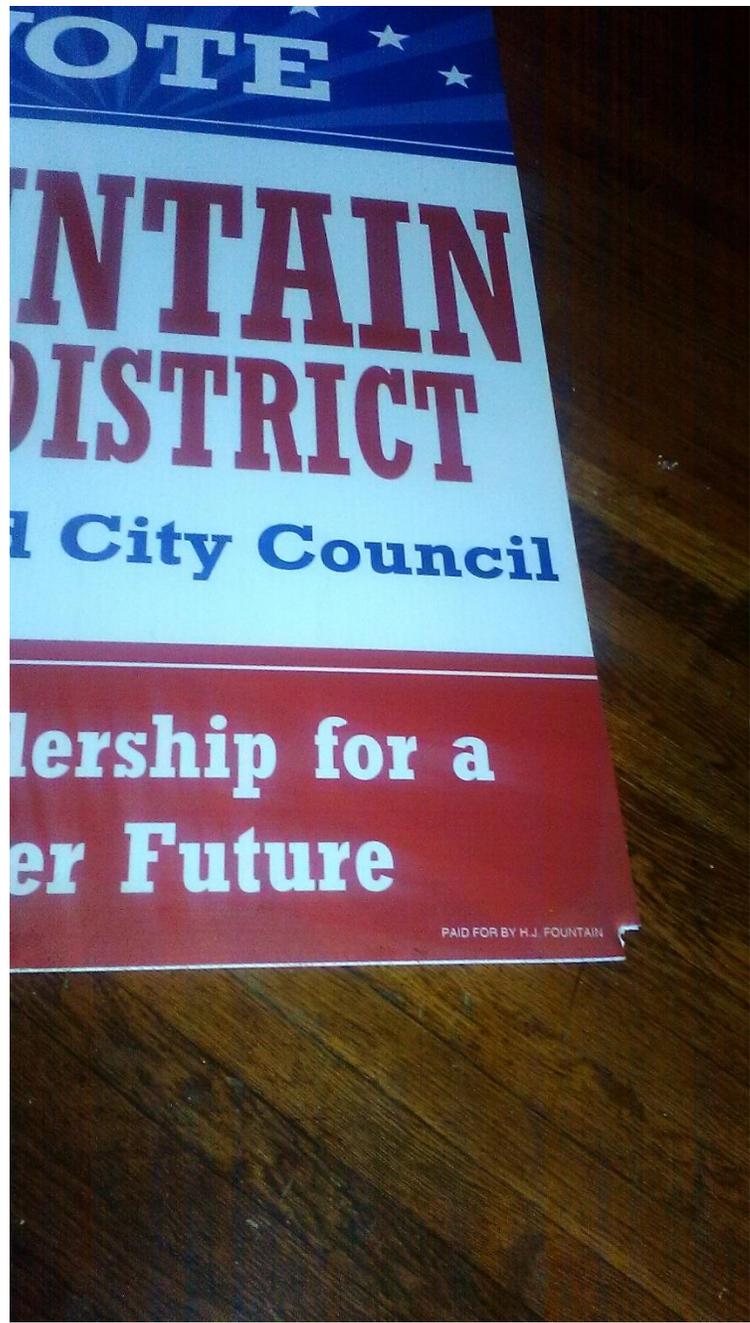
Sincerely,

Brooks C. Braun
Policy Analyst

Clemons, Nikki (ELECT)

From: Hassan Fountain <hassanfountain3849@gmail.com>
Sent: Monday, May 01, 2017 9:56 AM
To: Braun, Brooks (ELECT)
Subject: Proof of disclaimer on political signs
Attachments: KIMG0355.JPG

Yes I had appointment today at 10 o'clock I couldn't make it due to babysitting issues but I'm sending pictures to show proof of disclaimer for political signs



Clemons, Nikki (ELECT)

From: Hassan Fountain <hassanfountain3849@gmail.com>
Sent: Monday, May 01, 2017 10:31 AM
To: Braun, Brooks (ELECT)
Subject: Hassan Fountain
Attachments: KIMG0359.JPG

I have 2 of the 3 signs the bigger of the 3 I sold to a play company for a prop.

TAIN
STRICT
ity Council

e
PAID FOR BY H.J. FOUNTAIN

9.

**Complaint Against Elect Joe Morrissey
November 8, 2016 General Election
Submitted by Georgina Cannan**

-----Original Message-----

From: georgina@vademocrats.org

Sent: 11/03/2016 08:57:55 AM

To: j.alcorn@elections.virginia.gov; clarabelle.wheeler@elections.virginia.gov;
singleton.mcallister@elections.virginia.gov; edgardo.cortes@elections.virginia.gov;
elizabeth.howard@elections.virginia.gov; chair@vademocrats.org; becca@vademocrats.org;
jamie@vademocrats.org; matt@stoneyforrva.com;

Subject: Complaint Against Joe Morrissey

Dear Mr. Alcorn, Dr. Wheeler, and Mrs. McAllister,

Attached is a formal complaint against Richmond mayoral candidate Joe Morrissey and his principal campaign committee for violations of Virginia law.

Sincerely,
Georgina Cannan

--

Georgina Cannan
Voter Protection and Policy Director
Democratic Party of Virginia
Office: 804-335-0975
Cell: 571-334-8121

November 3, 2016

Virginia State Board of Elections
James B. Alcorn
Clara Belle Wheeler
Singleton B. McAllister
Washington Building
1100 Bank Street, First Floor
Richmond, VA 23219

Re: Request for Investigation into Sample Ballots Distributed by Joe Morrissey's Campaign for Mayor of Richmond

Members of the State Board of Elections:

Pursuant to the authority of the State Board of Elections under Sections 24.2-955.3 and 24.2-104 of the Virginia Code, this letter constitutes a formal complaint against Richmond mayoral candidate Joe Morrissey and his principal campaign committee, Elect Joe Morrissey, for distributing sample ballots that are misleading to voters and do not include the "paid for by" disclaimer required by Virginia law. Because the advertisements being distributed by Mr. Morrissey's campaigns are deceptive, the State Board should immediately investigate this violation and impose the maximum available penalties against Mr. Morrissey's campaign.

Mr. Joe Morrissey is currently running for Mayor of Richmond. Mr. Morrissey's campaign is distributing unofficial sample ballots to voters that do not include the necessary disclaimers required by Virginia law.¹ Instead, these sample ballots are being distributed along with a personal note from Mr. Morrissey himself, with no indication of who has paid for or authorized the sample ballots. As you know, unofficial sample ballots are treated as advertisements under Virginia law. See Va. Code Ann. § 24.2-622. For that reason, all unofficial sample ballots must, in a conspicuous manner, include the statement "Paid for by [name of political committee or candidate]" and, for those sample ballots supporting or opposing the election of one or more clearly identified candidates, the statement "Authorized by [Name of candidate], candidate for [Name of office]" or "Not authorized by a candidate." *Id.* §§ 24.2-956; 24.2-956.1. By failing to include this information, Mr. Morrissey's campaign has plainly violated Virginia law.

Additionally, the sample ballot claims to be the "Democratic Party Sample Ballot" despite the fact that neither the Democratic Party of Virginia nor the Richmond City Democratic Committee have had anything to do with the advertisement. Mr. Morrissey has not been endorsed by the Richmond Democratic Committee or the Democratic Party of Virginia. By implying that the Democratic Party is behind this advertisement or Mr. Morrissey's campaign, and by failing to include a disclaimer indicating that this mailer was paid for by a candidate's committee (and not a Democratic party-affiliated organization), the sample ballot misleads voters in violation of the letter and spirit of Virginia's disclaimer laws, which exist to give voters the information they need to determine who is attempting to influence their vote.

¹ See Attachment 1.

Because Mr. Morrissey's campaign is distributing sample ballots that fail to identify who paid for and authorized the advertisements, and because the sample ballots are deceptively labeled as "Democratic Party Sample Ballot[s]," we are requesting that Mr. Morrissey's campaign cease and desist distributing these sample ballots immediately. We also request that the State Board investigate this issue and impose a fine against Mr. Morrissey's campaign in the amount of the maximum permitted by law for these violations. See Va. Code Ann. §§ 24.2-622; 24.2-104(A); 24.2-955.3(D).

Sincerely,



Rebecca Slutzky
Executive Director
Democratic Party of Virginia



Jamie Nolan
Secretary
Richmond City Democratic Committee



Matthew Corridoni
Communications Director
Stoney for RVA

Note from Joe Morrissey

November 1, 2016

*I hope you're enjoying this beautiful
autumn! You may recall I campaigned
door-to-door in your neighborhood earlier this
year. I enjoyed meeting thousands of people.*

*For thirty years, I've been
fighting for the little guy ... the underdog and I
would love to earn your vote on Election Day!*



*Sincerely,
Joe Morrissey*

Democratic Party

SAMPLE BALLOT

President: ● Hillary R. Clinton

4th District House
of Representatives: ● A. Donald McEachin

Mayor
Richmond City: ● Joseph D. Morrissey



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

April 20, 2017

Morrissey for Richmond City Mayor
P.O. Box 9211
Richmond, VA 23228

Dear Mr. Morrissey,

The State Board of Elections received a complaint about a possible violation of Virginia's Stand by Your Ad law; specifically, a sample ballot that omits the disclosure statement required by the Code of Virginia § 24.2-956. Stand by Your Ad provisions require disclaimers on political advertisements appearing in print media, television ads and on radio.

The Code of Virginia § 24.2-955.3 provides that all disclaimer complaints go to the Board to determine the amount of civil penalties to be assessed. Civil penalties for violations of the print media requirements of Stand by Your Ad may not exceed \$2500.

The Board is holding its public meeting on Monday, May 1, 2017 at 10:00 a.m. You may attend and/or provide information to the Board which may help the Board reach a decision. If you cannot appear you will be notified by letter of the Board decision. Should the Board decide to assess a penalty, payment must be made within 30 days of the receipt of a letter advising you of the Board decision.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Elizabeth Howard
Deputy Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

May 5, 2017

Morrissey for Richmond City Mayor
P.O. Box 9211
Richmond, VA 23228

Dear Mr. Morrissey,

This is in regards to the May 1, 2017 meeting of the State Board of Elections, at which a complaint against your campaign for violation of Virginia's Stand by Your Ad law was scheduled to be discussed. At that meeting, the Board decided to defer a final decision on the matter until a later date. You will be notified in advance of the time and date of any future meeting at which the Board decides to discuss the complaint against you.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Elizabeth Howard
Deputy Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

June 13, 2017

Morrissey for Richmond City Mayor
3202 Seminary Ave.
Richmond, VA 23227

Dear Mr. Morrissey,

The State Board of Elections received a complaint about a possible violation of Virginia's Stand by Your Ad law; specifically, a sample ballot that omits the disclosure statement required by the Code of Virginia § 24.2-956. Stand by Your Ad provisions require disclaimers on political advertisements appearing in print media, television ads and on radio.

The Code of Virginia § 24.2-955.3 provides that all disclaimer complaints go to the Board to determine the amount of civil penalties to be assessed. Civil penalties for violations of the print media requirements of Stand by Your Ad may not exceed \$2500.

The Board is holding its public meeting on Tuesday, June 27, 2017 at 10:30 a.m. You may attend and/or provide information to the Board which may help the Board reach a decision. If you cannot appear you will be notified by letter of the Board's decision. Should the Board decide to assess a penalty, payment must be made within 30 days of the receipt of a letter advising you of the Board's decision.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Brooks C. Braun
Policy Analyst

10.

Complaint Against Singh, Mayor in 2016

November 8, 2016 General Election

**Submitted by Michael L. O'Reilly, Les Halpern,
Barbara Glakas, and Jay Donahue**

Braun, Brooks (ELECT)

From: SBE - INFO, rr (ELECT)
Sent: Friday, September 23, 2016 10:04 PM
To: Braun, Brooks (ELECT)
Subject: FW: SBE Complaint on election literature
Attachments: singh_mail2.pdf; singh_mail1.pdf

Follow Up Flag: FollowUp
Flag Status: Flagged

FYI

From: Barbara Glakas [mailto:bglakas@verizon.net]
Sent: Friday, September 23, 2016 4:54 PM
To: SBE - INFO, rr (ELECT); SBE-CFDA, rr (ELECT)
Subject: SBE Complaint on election literature

Dear Sir or Madam,

Attached are copies of two pieces of campaign literature that have been distributed in the Town of Herndon. I would like to report a possible violation of section 24.2-956 of the Code of Virginia regarding disclosure requirements for political mail.

Specifically, the committee "Singh, Mayor in 2016" seems to have omitted, either accidentally or willfully, the required disclosure on at least two consecutive campaign mailings.

Please investigate and take whatever action is required.

Thank you.

Barbara Glakas
Herndon, VA

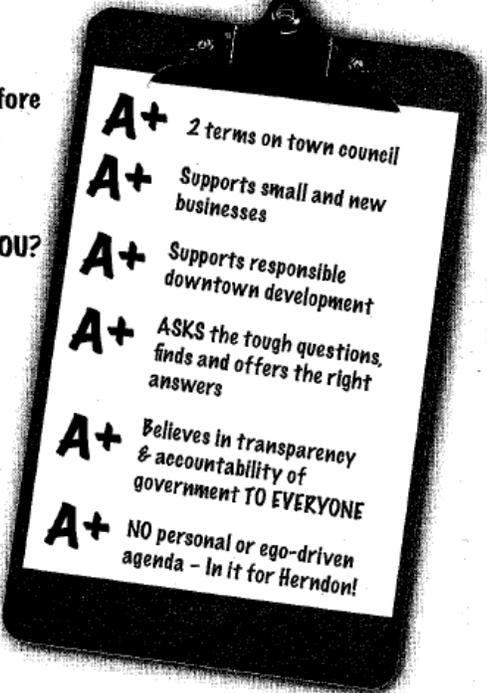
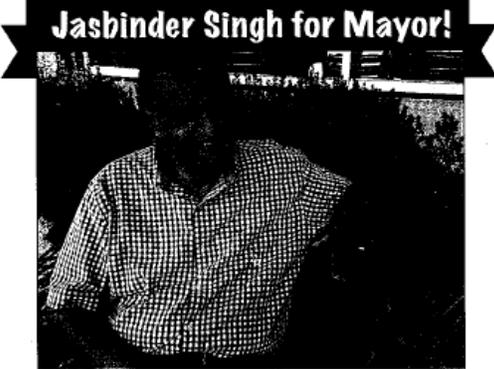
Local Postal Customer

PSRRT STD
EPCWSS
U.S. POSTAGE
PAID
EDDM RETAIL

**Our Town
Our Voice
Our Government**

- Accountability
- Financial Responsibility
- Open-Door Democracy
- Equitable Consideration

- ✓ Tired of the high cost of living in Herndon?
- ✓ Tired of dictators on the council who leap before they look...with YOUR tax dollars?
- ✓ Feel like speaking at town meetings is futile?
- ✓ Want someone who is truly advocating for YOU?



For the truth about Herndon government actions, and what they cost us, go to:



<https://herndonopinion.com>



Costs are always shifted from them to you

- Read more at herndonopinion.com

**** ECRWSS EDDM **

Postal Customer

PERMIT 870
ECRWSS
U.S. POSTAGE
PAID
EDDM PERAL

VOTE

Tuesday, November 8, 2016



Scan code to read more on the website



This is why (1) your taxes increase and (2) they do not want us to ask questions:

- Developers want up to \$15 million of the downtown land free. Town should walk away; but it doesn't.
- Taxpayers were supposed to pay only 40% of the \$10 million downtown garage, but they will end up paying 80%.
- The County had assessed the Art Space property for \$500,000 in 2002, but the Town paid \$1.8 million.
- While the County collects hundreds of millions from its Metro-Area developers up-front; Herndon says it can't. Really?



**And, this is why there is never enough money for your parking,
storm-water drainage, recreation and other needs.
I plan to do a lot about this practice.**

Read more at herndonopinion.com

THE O'REILLY LAW FIRM

761-C Monroe Street, Suite 200
Herndon, Virginia 20170

Michael L. O'Reilly
Nancy J. O'Reilly

Telephone: (703) 766-4111:58
Fax: (703) 766-1995
www.OracleLawfirm.com

September 26, 2016

Virginia Department of Elections
Washington Building, First Floor
1100 Bank Street, Richmond 23219

Re: Town of Herndon Election-November 8, 2016

Dear Madam or Sir:

I am a Herndon resident and a former elected official (Town Council 2000-2004; Mayor-2004-2006). I am writing this letter as a complaint against what appear to be successive and willful violations of the Virginia election laws by a current candidate for mayor.

Enclosed please find two mailers that I received over the last two weeks at my home at 837 Moffett Forge Road, Herndon, VA 20170. Both appear to support candidate Jasbinder Singh yet neither contains the disclosures required by Virginia Code section 24.2-956. As a former elected official I am keenly aware of the importance of the disclosures requirements. In fact, our Town adopted the Financial Disclosures requirements set out in the Virginia Code voluntarily as the requirements do not apply to communities with a population of less than 25,000.

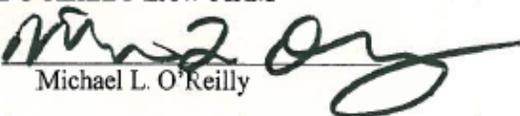
I say that the violations appear willful because Mr. Singh is now running his fourth campaign for elected office. In 2010 he campaigned and was elected to the Herndon Town Council. In 2012 he ran an unsuccessful campaign for Mayor. In 2014 he campaigned and was elected to our Town Council. He is now running again for Mayor. In this fourth campaign for office we are certain that he knows the rules but has chosen to ignore them.

Please take whatever steps may be necessary to impose such sanctions as will cause the candidate to comply with the election laws of the Commonwealth.

Of course, if you have any questions please feel free to contact me.

Sincerely,

THE O'REILLY LAW FIRM

By: 

Michael L. O'Reilly

Enclosures

Local Postal Customer

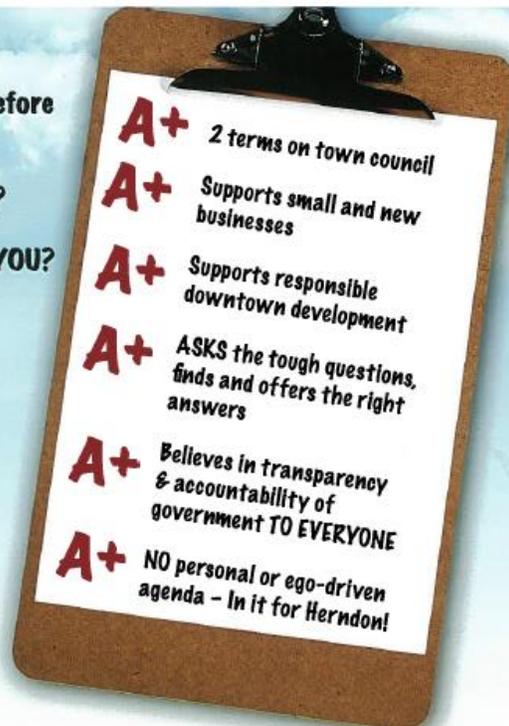
PRSRT STD
ECRWSS
U.S. POSTAGE
PAID
EDDM RETAIL

Our Town Our Voice Our Government

- Accountability
- Financial Responsibility
- Open-Door Democracy
- Equitable Consideration

- ✓ Tired of the high cost of living in Herndon?
- ✓ Tired of dictators on the council who leap before they look...with YOUR tax dollars?
- ✓ Feel like speaking at town meetings is futile?
- ✓ Want someone who is truly advocating for YOU?

Jasbinder Singh for Mayor!



For the truth about Herndon government actions, and what they cost us, go to:



<https://herndonopinion.com>



Costs are always shifted from them to you

- Read more at herndonopinion.com

**** ECRWSS EDDM **

Postal Customer

PRIME SITE
ECRWSS
U.S. POSTAGE
PAID
EDDM RETAIL

VOTE

Tuesday, November 8, 2016



Scan code to read more on the website

Singh
For Mayor

**This is why
(1) your taxes increase and
(2) they do not want us to ask questions:**

- Developers want up to \$15 million of the downtown land free. Town should walk away; but it doesn't.
- Taxpayers were supposed to pay only 40% of the \$10 million downtown garage, but they will end up paying 80%.
- The County had assessed the Art Space property for \$500,000 in 2002, but the Town paid \$1.8 million.
- While the County collects hundreds of millions from its Metro-Area developers up-front; Herndon says it can't. Really?



**And, this is why there is never enough money for your parking,
storm-water drainage, recreation and other needs.
I plan to do a lot about this practice.**

Read more at herndonopinion.com



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

September 30, 2016

Singh, Mayor in 2016

804 Third St.

Herndon, VA 20170

Singhformayor@earthlink.net

Dear Mr. Singh,

The Department of Elections has received a complaint about a possible violation of Virginia's Stand by Your Ad law (Chapter 9.5 of Title 24.2 of the Code of Virginia) by your committee. A copy of the complaint is attached for your reference.

Section 24.2-955.3 of the Code of Virginia requires that certain political advertisements in print media, including yard signs, or on radio or television contain specific disclosure statements provided in Stand by Your Ad. Campaign telephone calls also require specific disclosures. Please review any communications put out by your committee to ensure that they are in compliance with the law. Failure to do so in a timely manner may result in an increased civil penalty.

Section 24.2-955.3 of the Code requires that all valid complaints come before the State Board of Elections, in a public hearing, to determine whether or not there is a violation of Stand by Your Ad and to assess a civil penalty. Once it has been set, you will be notified of the date and time of this hearing. You may provide any information you may have to dispute the complaint via email to brooks.braun@elections.virginia.gov.

If you need further information please feel free to contact me at 1-800-552-9745 ext. 8924.

Sincerely,

Brooks C. Braun, Esq.
Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

October 5, 2016

Singh, Mayor in 2016

804 Third St.

Herndon, VA 20170

Singhformayor@earthlink.net

Dear Mr. Singh,

The Department of Elections has received a complaint about a possible violation of Virginia's Stand by Your Ad law (Chapter 9.5 of Title 24.2 of the Code of Virginia) by your committee. A copy of the complaint is attached for your reference.

Section 24.2-955.3 of the Code of Virginia requires that certain political advertisements in print media, including yard signs, or on radio or television contain specific disclosure statements provided in Stand by Your Ad. Campaign telephone calls also require specific disclosures. Please review any communications put out by your committee to ensure that they are in compliance with the law. Failure to do so in a timely manner may result in an increased civil penalty.

Section 24.2-955.3 of the Code requires that all valid complaints come before the State Board of Elections, in a public hearing, to determine whether or not there is a violation of Stand by Your Ad and to assess a civil penalty. Once it has been set, you will be notified of the date and time of this hearing. You may provide any information you may have to dispute the complaint via email to brooks.braun@elections.virginia.gov.

- ▲ If you need further information please feel free to contact me at 1-800-552-9745 ext. 8924.

Sincerely,

Brooks C. Braun, Esq.
Policy Analyst

Braun, Brooks (ELECT)

From: SBE-CFDA, rr (ELECT)
Sent: Thursday, October 20, 2016 4:37 PM
To: Braun, Brooks (ELECT)
Subject: FW: Problematic Political Mailings
Attachments: JS3_IMG_5535.JPG; JS4_IMG_5535.JPG; JS1_IMG_5535.JPG; JS2_IMG_5535.JPG

Follow Up Flag: Follow up
Flag Status: Flagged

SBYA COMPLAINT

From: Les [mailto:les.halpern@gmail.com]
Sent: Thursday, October 20, 2016 11:47 AM
To: SBE-CFDA, rr (ELECT); SBE-CFDA, rr (ELECT)
Subject: Problematic Political Mailings

Dear Sir or Madam,

I am writing this as a complaint against what appears to be a willful violation of Virginia Code section 24.2-956 which requires disclosures on political mailing.

I am attaching two mailings I received recently which lack the required disclosure, and I believe there have been additional ones prior to these.

Please take whatever steps that may be necessary to cause the candidate to comply with the election laws of Virginia.

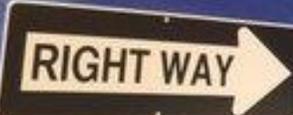
Thank you.

--

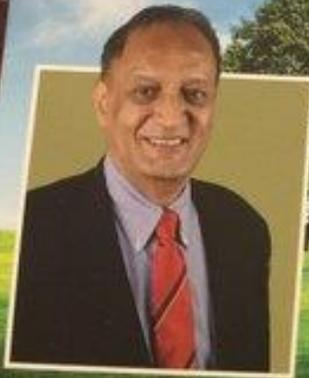
Les Halpern
932 Elden St
Herndon, VA 20170

ㄟ(ツ)ㄟ

 Virus-free. www.avast.com

RIGHT WAY 

AGENDA FOR THE FUTURE



Jasbinder Singh

Sombody says, if we do not ask questions. With that statement in 2012, I began my quest to find an answer. More than 30 articles later, I have documented how our government makes its decisions, takes our money, and affects our quality of life. It is clear that time and time again, in countless ways, the costs have been shifted to you with or without your knowledge and, sometimes, without regard for your needs and values.

The need for fundamental change is immediate, if we are to (1) meet the daunting budgetary challenges with confidence, and (2) begin the process of turning Herndon into a first-rate town. Together we can:

MAKE HERNDON A FIRST RATE TOWN IN 5-10 YEARS
By Achieving the Following Goals

- Reduce our Tax Burden to the Lowest Levels
- Meet the Best Standards of Transparency
- Invest In HOAs and Other Neighborhoods Outside the Downtown
- Develop Downtown and Metro Areas Responsibly
- Implement Best Practices in All Aspects of the Government
- Help Elementary and Middle School Students Achieve High Standards (Voluntary)

Singh For Mayor

WRONG WAY 

WHAT IS HAPPENING NOW

The Need for Fundamental Change is Urgent.

Visit: herndonopinion.com

**** ECRWSS EDDM **

POSTAL CUSTOMER

POSTAGE WILL BE PAID BY ADDRESSEE

A. OPERATE AS A "Block"

For the last four years, the majority has voted as a block while making one consequential decision after another. The absence of discussion has never been so glaring. (Read @ herndonopinion.com - Particularly, Section 3 of Herndon's Unfinished Fight For a Small Town Feel, Parts 3)

B. COMPREHENSIVE ATTACK ON TENETS OF OPEN GOVERNMENT

- **Rendered Council Unaccountable** - Stripped the substance out of the "official" minutes of the council's discussions. (Read: Race to Unaccountability - Gutting the Official Minutes)
- **Misused Close-Door Meetings** - Kept councilmembers in the dark by not disclosing critical information and/or by not providing critical documents - property appraisals, contamination reports, etc. (Read: The Bad and Ugly Art of Purchasing the Contaminated Property, Parts I & II)
- **Gutted the Downtown Master Plan:** Approved developer-proposed concepts, such as: English basements, 54' to 68' building heights on all streets, 300 residential rentals units, etc., after most residents had come to believe that the planning process was over. (Read: Herndon's Unfinished Fight For a Small Town Feel, Parts 1-4)

RESULT: COSTS SHIFT FROM THEM TO YOU

C. INSANE DECISIONS

- Is it wise to buy high, sell low and lose \$10 million? (Read: BIGGEST SELL OUT IN THE MAKING - The Case of Downtown Land)
- Creating an Art Center costing \$12 million in Herndon at taxpayers' expense is like Fairfax County spending \$1.5 billion dollars on Art Centers. Does any one think that any government would spend 35% of one year's budget on the arts, even over time?
- The Town invited a 120-seat theater that is housed in a modest \$700,000 building and barely makes profit to move into a yet-to-be-designed 200-seat, \$12 million Art Center. It is like inviting a poor man to live in a mansion for a paltry rent. Both are bound to suffer immensely over time.

WELCOME

HERNDON'S IMMIGRANT COMMUNITY

I am one of you.



Jasbinder Singh

VOICE YOUR VOTE: Tuesday, November 8, 2016

Singh
For Mayor



Elect An Experienced And Proven Town Official Who:

- ➔ Has stood up for everyone's constitutional rights
- ➔ Takes great pride in providing personalized service to our citizens
- ➔ Celebrates international culture, art, music, literature and sports
- ➔ Believes in helping our children achieve high academic standards

Let us **MAKE HERNDON**
A FIRST RATE TOWN IN 5-10 YEARS

Singh
For Mayor

Visit: herndonopinion.com

Scan code to read
more on the website





★ VIRGINIA ★
STATE BOARD of ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

October 25, 2016

Singh, Mayor in 2016

804 Third St.

Herndon, VA 20170

Singhformayor@earthlink.net

Dear Mr. Singh,

The Department of Elections has received a complaint about a possible violation of Virginia's Stand by Your Ad law (Chapter 9.5 of Title 24.2 of the Code of Virginia) by your committee. A copy of the complaint is attached for your reference.

Section 24.2-955.3 of the Code of Virginia requires that certain political advertisements in print media, including yard signs, or on radio or television contain specific disclosure statements provided in Stand by Your Ad. Campaign telephone calls also require specific disclosures. Please review any communications put out by your committee to ensure that they are in compliance with the law. Failure to do so in a timely manner may result in an increased civil penalty.

Section 24.2-955.3 of the Code requires that all valid complaints come before the State Board of Elections, in a public hearing, to determine whether or not there is a violation of Stand by Your Ad and to assess a civil penalty. Once it has been set, you will be notified of the date and time of this hearing. You may provide any information you may have to dispute the complaint via email to brooks.braun@elections.virginia.gov.

If you need further information please feel free to contact me at 1-800-552-9745 ext. 8924.

Sincerely,

Brooks C. Braun, Esq.
Policy Analyst

Braun, Brooks (ELECT)

From: Joanne Donahue <jgdonahue7@gmail.com>
Sent: Friday, November 04, 2016 10:50 AM
To: Brooks.Braun@elections.virginia.gov
Subject: Fwd: Fwd: violation Virginia Code Section 24.2-956
Attachments: JS_mailing_5.pdf

RE: Violation of Virginia Code Section 24.2-956
Jasbender Singh mailer
Herndon Mayor's Election

Dear Mr. Braun

Thank you for your recent reply on this matter.

I hope the mailing piece in question is now attached. Thank you for your attention to this matter.

Regards,

Jay Donahue
997 Crestview Drive
Herndon, VA 20170

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

From: Braun, Brooks (ELECT) <Brooks.Braun@elections.virginia.gov>
Date: Tue, Nov 1, 2016 at 11:06 AM
Subject: RE: violation Virginia Code Section 24.2-956
To: "jgdonahue7@gmail.com" <jgdonahue7@gmail.com>

Mr. Donahue,

Thanks for your e-mail. In order for me to process your complaint I'll need some evidence of the violation you are accusing the Singh campaign of committing. The link that you provided in your e-mail is not working. Would you mind sending me the PDF evidence as an attachment to an email? As soon as you do, I'll be able to complete processing the complaint and get you a receipt.

Let me know if you have any further questions.

Sincerely,

Brooks C. Braun, Esq.

Policy Analyst

Virginia Department of Elections

1100 Bank Street

Richmond, VA 23219

Direct: [804.864.8924](tel:804.864.8924)

Toll free: [800.552.9745](tel:800.552.9745) ext. 8924

Remember - Virginia law now requires photo identification when voting in person.

Disclaimer: This message is not legal advice, nor a binding statement of official policy. It is intended only for the use of the name addressee(s). Any other use is prohibited. If you received this message in error, please call me and delete the message and any attachments without forwarding, copying or otherwise disclosing them. Thank you.

From: Joanne Donahue [<mailto:jgdonahue7@gmail.com>]

Sent: Monday, October 31, 2016 3:11 PM

To: SBE-CFDA, rr (ELECT); SBE-CFDA, rr (ELECT)

Cc: Joanne Donahue

Subject: violation Virginia Code Section 24.2-956

Dear Sir or Madam:

I have attached a mailing distributed by Jasbinder Singh who is running for Mayor of Herndon in the upcoming election. I received this mailing last week.

I believe this material to be in violation of VC Section 24.2-956 concerning requirements on political mailings. Please consider this email to be a formal complaint against Mr. Singh and his campaign.

I trust you will review these materials and instruct the initiator regarding requirements for compliance with disclosure rules of 24.2-956.

Thank you for your attention.

Jay Donahue

997 Crestview Drive

Herndon, VA 20179

[Preview attachment JS_mailing_5.pdf](#)



[JS_mailing_5.pdf](#)

[1.3 MB](#)



We will begin our term by giving you a
"Water and Sewer" refund of:

\$620*
Per Household
REFUND

VOTE

Tuesday, November 8, 2016

* \$620 per household is an average rebate. Actual refund would be proportional to your water and sewer bills between 2012 and 2017. If you have rented an apartment or a house, you should ask your landlord for your share of the refund.

This is just one example of how we plan to implement Best Practices in the government.

Read more at herndonopinion.com



To make sure you get the refund, Vote For:

Jasbinder Singh MAYOR
Roland Taylor Town Council
Connie Hutchinson Town Council

**** ECRWSS EDDM **
Postal Customer

PRRST STD
ECRWSS
U.S. POSTAGE
PAID
EDDM RETAIL

A Word About My Partners.

As we make transition to a First Rate Town, we must have connections to:

- **The Past** - No one has better connections than Connie Hutchinson; her family has lived here for more than 100 years and she has served the town for more than 25 years.
- **Youth Sports** - Roland Taylor served as Vice President of the Optimist Club and is fully knowledgeable of the organization of sports in the town.
- **The Immigrant Community** – I am an immigrant from India and my first wife was from Ecuador. Roland Taylor trained Indonesian police in the 1990s (as part of a UN team). Ms. Hutchinson's three grandchildren are either Chinese or Brazilian.
- **The Future:** Together, we bring expertise in different fields including Engineering, Public Policy, Finance, Law Enforcement, and Governance.

While Mr. Taylor and Ms. Hutchinson support my agenda (To make Herndon a First Rate Town in 5-10 years), I expect them to bring their unique ideas to the council's discussions. I also look forward to meaningfully consider ideas put forth by the other elected Councilmembers.





★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

April 20, 2017

Singh, Mayor in 2016
804 Third St.
Herndon, VA 20170
Singhformayor@earthlink.net

Dear Mr. Singh,

The State Board of Elections received a complaint about a possible violation of Virginia's Stand by Your Ad law; specifically, five pamphlets distributed through the mail that omit the disclosure statement required by the Code of Virginia § 24.2-956. Stand by Your Ad provisions require disclaimers on political advertisements appearing in print media, television ads and on radio.

The Code of Virginia § 24.2-955.3 provides that all disclaimer complaints go to the Board to determine the amount of civil penalties to be assessed. Civil penalties for violations of the print media requirements of Stand by Your Ad may not exceed \$2500.

The Board is holding its public meeting on Monday, May 1, 2017 at 10:00 a.m. You may attend and/or provide information to the Board which may help the Board reach a decision. If you cannot appear you will be notified by letter of the Board decision. Should the Board decide to assess a penalty, payment must be made within 30 days of the receipt of a letter advising you of the Board decision.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Elizabeth Howard
Deputy Commissioner

Clemons, Nikki (ELECT)

From: Jasbinder Singh <ppe@pipeline.com>
Sent: Monday, May 01, 2017 8:48 AM
To: Braun, Brooks (ELECT)
Subject: Re: Stand By Your Ad Complaints
Attachments: BoardofElections-April 30.pdf

Dear Mr. Braun,

I have prepared the attached response to the "possible" violation. Kindly bring it to the attention of the Board later today before or during the hearing. I will try to contact you via telephone a little after 9 to alert you to my letter response. Thank you very much.

Jasbinder Singh
Singh, Mayor in 2016
703-582-2229

On Apr 24, 2017, at 4:44 PM, Braun, Brooks (ELECT) <Brooks.Braun@elections.virginia.gov> wrote:

Mr. Singh,

Attached are the complaints against you, to be presented at the [State Board of Elections](#) meeting on [May 1, 2017 at 10:00 a.m.](#)

Please let me know if you have any further questions. I'm happy to help.

Sincerely,

Brooks E. Braun, Esq.
Policy Analyst
Virginia Department of Elections
1100 Bank Street
Richmond, VA 23219
Direct: 804.864.8924
Toll free: 800.552.9745 ext. 8924

Remember - Virginia law now requires photo identification when voting in person.

Disclaimer: This message is not legal advice, nor a binding statement of official policy. It is intended only for the use of the name addressee(s). Any other use is prohibited. If you received this message in error, please call me and delete the message and any attachments without forwarding, copying or otherwise disclosing them. Thank you.

Singh, Mayor in 2016

April 30, 2017

Brooks C. Braun, Esq.
Policy Analyst
Virginia Department of Elections
1100 Bank Street
Richmond, VA 23219

Sent Via Email Only

Ref: Potential Violation By Singh for Mayor Committee

Dear Mr. Braun,

Thank you for taking the time to talk about the complaints lodged against "Singh, Mayor in 2016". Our discussion and the letter sent by Elizabeth Howard indicate that I may have violated the provision of the Virginia's Stand by Your Ad Law that requires that my campaign's printed material should have indicated that the message was "authorized by ..."

In this case, as in most enforcement cases, the proceedings have two phases – the finding of violation and the penalty. I will briefly address both issues.

A. The Violation: As I indicated to you during our phone conversation, I personally developed the message, supervised the design and paid for the printing and mailing of the 4 pieces of material.

However, I plead not guilty to the charges, if any, because the literature does not qualify as "Ads" for the following reasons:

1. **Content of the "Ads": The messages in those four pieces of literature were simply summaries** of more than 30 well-researched and documented articles, or, rather, consulting-type reports that I have published on my website (www.herndonopinion.com) since 2013. Each of these articles was widely disseminated to Herndon residents and was thoroughly discussed by hundreds, if not thousands, of people in the community. Accordingly, the content of my campaign material was thoroughly supported by my articles; therefore, none of it was an "Ad" or "Ads" in the traditional sense.
2. **Personal Nature of My Material and Impersonal Nature of "Ads":** According to the dictionary, "advertisements" are impersonal in nature. In this case, there was nothing impersonal about the literature I

distributed. Most, if not all, voters of the community knew me well. After all, I had run in local elections several times, been elected to the town council twice, and provided “personalized” constituent services to hundreds of people during the last six years. Contrary to the wishes of the “insiders”, I had spoken loudly about the issues of public interest day in and day out. My persistent advocacy for the average citizen is the reason the complaints have been lodged against me.

During the campaign, my photographs were printed on all my yard signs (that had been placed on most major street corners and in most neighborhoods) and on both sides of every piece of the campaign literature. Further, I discussed the contents of each piece with hundreds, if not thousands of people when I visited their homes over a period of 4 months before the election. In the minds of most people, there was no doubt about who had prepared and sent the literature. *Accordingly, none of my campaign literature was impersonal or anonymous. It does not qualify as “Ads” under the ordinary definitions given in authoritative dictionaries.*

B. Mitigation of the Penalty: Notwithstanding my arguments, the Board may find me guilty of the alleged violations. If it does, then I request that the Board consider the following mitigating factors and impose little or no penalty:

1. **Number of Violations:** There are two reasons for reducing the number of violations.
 - a. **First**, the Board, by an email, was informed of the first possible violation on September 23rd. By this date, however, I had sent only one piece of the campaign literature. If the Board had forwarded the complainant’s email to me immediately upon receiving it, I would have added the required disclosure to the subsequent campaign material I distributed in October. *Therefore, the Board should cite me for no more than one violation.*
 - b. **Second**, *a fine for multiple violations will not create any more deterrence than that for only one violation.* As illustrated in some of my articles, I have always advocated full transparency in the government. I even made the lack of transparency on the part of my opponents a big election issue last year. Consequently, I have demonstrated clearly that I consider full disclosure precious to the functions of any democracy. There is no need for a high penalty.
2. **Previous Experience with the Campaigns:** The material in my previous campaigns had never carried the required disclaimer, simply

because I did not know about the disclosure requirements. By the time of the 2016 election, I had contested for an elected position at least four times (2008, 2010, 2012 and 2014). No campaign or Party official in any of the campaigns had ever informed me of the disclosure requirements or even mentioned the applicable code.¹ In 2010, I had received the backing of all of the complainants and the Democratic Party. *The complainants, all of whom worked closely with me in 2010, did not say a word about the requirements to me.*

By 2012, I had started running as an Independent in a supposedly non-partisan town. The complainants did not complain or notify the Board of potential violations in 2012 and 2014. They complained in 2016 only because I had published more than 30 articles, showing how the current and past councils were hiding consequential information from the residents and selling out to developers.”

I understand a lack of knowledge is no excuse for the violations. The penalty, however, can be based on particular circumstances of the case.

I trust the Board will take into account the facts discussed above in making its decision.

Respectfully,

/s/

Jasbinder Singh
Singh, Mayor in 2016
804 Third Street
Herndon, VA 20170

¹ Only once someone had stated that the yard signs should have the required disclosure; therefore, all my yard signs have carried the disclosure.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

May 5, 2017

Singh, Mayor in 2016
804 Third St.
Herndon, VA 20170
Singhformayor@earthlink.net

Dear Mr. Singh,

This is in regards to the May 1, 2017 meeting of the State Board of Elections, at which a complaint against your committee for violation of Virginia's Stand by Your Ad law was scheduled to be discussed. At that meeting, the Board decided to defer a final decision on the matter until a later date. You will be notified in advance of the time and date of any future meeting at which the Board decides to discuss the complaint against your committee.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Elizabeth Howard
Deputy Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

June 13, 2017

Singh, Mayor in 2016
804 Third St.
Herndon, VA 20170
Singhformayor@earthlink.net

Dear Mr. Singh,

The State Board of Elections received a complaint about a possible violation of Virginia's Stand by Your Ad law; specifically, five pamphlets distributed through the mail that omit the disclosure statement required by the Code of Virginia § 24.2-956. Stand by Your Ad provisions require disclaimers on political advertisements appearing in print media, television ads and on radio.

The Code of Virginia § 24.2-955.3 provides that all disclaimer complaints go to the Board to determine the amount of civil penalties to be assessed. Civil penalties for violations of the print media requirements of Stand by Your Ad may not exceed \$2500.

The Board is holding its public meeting on Tuesday, June 27, 2017 at 10:30 a.m. You may attend and/or provide information to the Board which may help the Board reach a decision. If you cannot appear you will be notified by letter of the Board's decision. Should the Board decide to assess a penalty, payment must be made within 30 days of the receipt of a letter advising you of the Board's decision.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Brooks C. Braun
Policy Analyst

11.

**Complaint Against Friends of BJ Brown
May 13, 2017 Republican Mass Meeting to
Nominate for the House of Delegates 31st District
Submitted by Robert A. Watson**

From the Desk of Bob Watson
6093 Spindle Tree Ct.
Woodbridge, VA 22193

March 2nd, 2017

Edgardo Cortés
Commissioner, Virginia Department of Elections
Virginia Department of Elections
Washington Building
1100 Bank Street, First Floor
Richmond, VA 23219

Dear Commissioner Cortés,

As a representative of the Republican Party State Central Committee from the 1st Congressional District, and as a registered voter in good standing in the Virginia House of Delegates 31st District of the Virginia General Assembly, I am filing an official complaint against two announced candidates for the 31st District House of Delegates election. One candidate, Ms. B. J. Brown of Nokesville, Virginia is seeking the Republican nomination. She has violated numerous requirements for a candidate for public office as defined in the Code of Virginia. The second candidate, Ms. Elizabeth Guzman is a Democrat candidate and has violated one specific requirement of the Code of Virginia, possibly many times over.

First, the law requires Ms. Brown to file a campaign Statement of Organization within 10 days of meeting certain conditions specified in §24.2-947.1. Per the enclosed email from the Prince William County Republican Committee Chairman, Dottie Miller, Ms. Brown presented her with the attached print media campaign card on February 8th, 2017 at the Republican Headquarters in Prince William. This was an act of “campaigning” that constituted an “expenditure of any funds” given production of the card would have required a financial source of some kind. As such, the law required Ms. Brown to file her Statement of Organization “within 10 days” as specified in Section A (2) §24.2-947.1. She failed to comply with this section of the code until March 1st, 2017, the date indicated on her attached Statement of Organization. As you know, there is a civil penalty not to exceed \$500 for the failure to file the required Statement of Organization in accordance with § 24.2-953.1 of the Code of Virginia. In the case of a late filing of the Statement of Organization, there is a civil penalty not to exceed \$500 in accordance with § 24.2-953.2. Ms. Brown has broken both of these laws by exceeding the campaign 10-day window and filing the form late.

Second, on inspection, you will note that there are material errors on her Statement of Organization, including a failure to provide her residential address, rather a Post Box Address. Moreover, she failed to check the box certifying that she is currently registered to vote in the

From the Desk of Bob Watson
6093 Spindle Tree Ct.
Woodbridge, VA 22193

indicated address. Additionally, Ms. Brown is serving as her own treasurer, yet in that section of the Statement of Organization, she lists the Treasure's residence as the address of the US Post Office in Nokesville, Virginia. Again, she failed to check the box certifying that she is currently registered to vote in the indicated address. It is possible that she failed to do so because she knew both were not her residences as the Statement of Organization clearly requires. If this is the case, her entries constitute a "willfully false material statement of entry" as noted in §24.2-1016 and punishable as a Class 5 Felony.

Third, examining Ms. Brown's campaign card, you will note the absence of any statement as required in §24.2-956 noting that the card was "Paid for by _____ [Name of candidate or campaign committee]." This statement must appear on all campaign "print media" which includes a "card" as defined in §24.2-955.1 of the Code of Virginia. She has continued to pass out the same illegal card since February 8th, 2017. Indeed, on February 27th, 2017 Ms. Brown appeared at a meeting of the Prince William County Republican Committee where I was present, introduced herself to Committee members as a candidate for the 31st House of Delegates seat, and continued to hand out copies of the same illegal print media campaign card. At a minimum, and unless otherwise covered by a civil penalty, a violation of this section could be punished under §24.2-1017 as a Class 1 misdemeanor.

Finally concerning Ms. Brown, you will note the use of the Seal of the Commonwealth on her card. As I read §1-505 of the Code of Virginia, the seal is "the property of the Commonwealth; and no persons shall exhibit, display, or in any manner utilize the seals or any facsimile or representation of the seals of the Commonwealth for nongovernmental purposes unless such use is specifically authorized by law." A violation of this section is punishable "by a fine of not more than \$100, or by imprisonment for not more than 30 days or both." While the seal used in this case appears to be one from a picture of the Flag of the Commonwealth, nonetheless it was cropped in a way to make the use of that seal appear prominent and not simply that of a flag. I suggest to you that her intent was to appropriate the seal in a standalone manner which is illegal on campaign material.

Concerning the violation by Ms. Guzman, on February 21st, 2017 her campaign mailed a businessman in Prince William County seeking support for her candidacy. The attached mail piece, including the envelope, the cover letter, and the enclosed campaign flier, all lack any disclosure statement as required in §24.2-956 noting that the materials were "Paid for by _____ [Name of candidate or campaign committee]." This statement must appear on all campaign "print media" which includes "printed material disseminated through the mail" as defined in §24.2-955.1 of the Code of Virginia. I believe that this requirement would have been met had any of the three enclosures bore the disclosure statement required by the section. None of them did. Moreover, had there been other mailings of this material, a likely circumstance, each of the mailings if occurring on separate days, would have constituted a separate and distinct violation. I am unaware of any additional violations beyond this one, but this should be an area of inquiry. Again, at a minimum, and unless otherwise covered by a civil

From the Desk of Bob Watson

6093 Spindle Tree Ct.
Woodbridge, VA 22193

penalty, a violation of this section could be punished under §24.2-1017 as a Class 1 misdemeanor.

In both cases, the State Board of Elections is required, pursuant to § 24.2-946.3, to report these violations to the appropriate Commonwealth's Attorney. If the candidate is a candidate for the General Assembly, the violation is to be reported to the Commonwealth's Attorney of the county or city of the candidate's residence. Therefore, I am asking you to investigate these clear violations of the law by both candidates including appropriate penalties that may be warranted and notify the Prince William Commonwealth Attorney of your findings.

No doubt some will claim these are minor infractions by inexperienced candidates for public office and do not warrant either investigation or punishment. Nonetheless, these are a violation of the election law and both candidates should be held accountable. If these persons want to serve in the General Assembly and make the law, then they should begin by obeying applicable campaign laws. In both cases, they are clearly not following the Code of Virginia.

Thank you for your attention to this matter. Please advise me of any action you will take in this matter as soon as possible. Also, please be advised that I am copying this correspondence to my local Commonwealth Attorney where both candidates reside.

Sincerely,



Robert A. Watson

Copy Furnished:

W. Michael Phipps, Deputy Commonwealth's Attorney
Prince William County Office of the Commonwealth's Attorney

Attachments

1. Email from Dottie Miller
2. Print Media Campaign Card
3. Brown Statement of Organization
4. Guzman Campaign Mailer (envelope, cover letter, campaign flier)



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

April 5, 2017

Friends of BJ Brown

PO Box 182

Nokesville, VA 20181

Dear Ms. Brown,

The Department of Elections has received a complaint about a possible violation of Virginia's Stand by Your Ad law (Chapter 9.5 of Title 24.2 of the Code of Virginia) by your committee. A copy of the complaint is attached for your reference.

Section 24.2-955.3 of the Code of Virginia requires that certain political advertisements in print media, including yard signs, or on radio or television contain specific disclosure statements provided in Stand by Your Ad. Campaign telephone calls also require specific disclosures. Please review any communications put out by your committee to ensure that they are in compliance with the law. Failure to do so in a timely manner may result in an increased civil penalty.

The Code of Virginia § 24.2-955.3 requires that all valid complaints come before the State Board of Elections, in a public hearing, to determine whether or not there is a violation of Stand by Your Ad and to assess a civil penalty if appropriate. Once it has been set, you will be notified of the date and time of this hearing. You may provide any information you may have to dispute the complaint via email to brooks.braun@elections.virginia.gov.

If you need further information please feel free to contact me at 1-800-552-9745 ext. 8924.

Sincerely,

Brooks C. Braun, Esq.
Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Clara Belle Wheeler
Vice Chair

James B. Alcorn
Chairman

Singleton McAllister
Secretary

June 13, 2017

Friends of BJ Brown
PO Box 182
Nokesville, VA 20181

Dear Ms. Brown,

The State Board of Elections received a complaint about a possible violation of Virginia's Stand by Your Ad law; specifically, a palm card distributed by Friends of BJ Brown that allegedly omits the statement required by the Code of Virginia § 24.2-956. Stand by Your Ad provisions require disclaimers on political advertisements appearing in print media, television ads and on radio.

The Code of Virginia § 24.2-955.3 provides that all disclaimer complaints go to the Board to determine the amount of civil penalties to be assessed. Civil penalties for violations of the print media requirements of Stand by Your Ad may not exceed \$2500.

The Board is holding its public meeting on Tuesday, June 27, 2017 at 10:30 a.m. You may attend and/or provide information to the Board which may help the Board reach a decision. If you cannot appear you will be notified by letter of the Board's decision. Should the Board decide to assess a penalty, payment must be made within 30 days of the receipt of a letter advising you of the Board's decision.

For more information, please visit the Board's website at: <http://www.elections.virginia.gov/board>.

Sincerely,

Brooks C. Braun
Policy Analyst

Resources

State Board of Elections

June 27, 2017

Title 24.2

Chapter 9.3 Article 1 General Provisions	pp. 1-4
Chapter 9.5	pp. 5-19

SBE Minutes

May 13, 2015	pp. 20-28
June 22, 2015	pp. 29-36
October 6, 2015	pp. 37-44
November 16, 2015	pp. 45-55
December 16, 2015	pp. 56-68
March 15, 2016	pp. 69-81
April 28, 2016	pp. 82-87
August 30, 2016	pp. 88-95
January 18, 2017	pp. 96-100
May 1, 2017	pp. 101-113

Chapter 9.3. Campaign Finance Disclosure Act of 2006. Article 1. General Provisions.

§ 24.2-945. Elections to which chapter applicable; chapter exclusive.

A. The provisions of this chapter shall apply to all elections held in Virginia, including referenda, and to nominating conventions, mass meetings, and other methods to nominate a political party candidate for public office, except nominations and elections for (i) members of the United States Congress, (ii) President and Vice President of the United States, (iii) town office in a town with a population of less than 25,000, (iv) directors of soil and water conservation districts, or (v) political party committees. The governing body of any town with a population of less than 25,000 may provide, by ordinance, that the provisions of this chapter shall be applicable to elections for town offices in the town.

B. This chapter shall constitute the exclusive and entire campaign finance disclosure law of the Commonwealth, and elections to which the chapter applies shall not be subject to further regulation by local law.

1970, c. 462, § 24.1-251; 1972, c. 620; 1973, c. 30; 1980, c. 639; 1982, c. 650; 1993, cc. 641, 715, § 24.2-900; 2004, c. 457; 2006, cc. 787, 892; 2008, c. 359.

§ 24.2-945.1. Definitions.

A. As used in this chapter, unless the context requires a different meaning:

"Authorization" means express approval or express consent by the candidate, the candidate's campaign committee, or an agent of the candidate or his campaign committee after coordination.

"Campaign committee" means the committee designated by a candidate to receive all contributions and make all expenditures for him or on his behalf in connection with his nomination or election.

"Candidate" means "candidate" as defined in § 24.2-101.

"Contribution" means money and services of any amount, in-kind contributions, and any other thing of value, given, advanced, loaned, or in any other way provided to a candidate, campaign committee, political committee, or person for the purpose of expressly advocating the election or defeat of a clearly identified candidate or to an inaugural committee for the purpose of defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General.

"Contribution" includes money, services, or things of value in any way provided by a candidate to his own campaign and the payment by the candidate of a filing fee for any party nomination method.

"Coordinated" or "coordination" refers to an expenditure that is made (i) at the express request or suggestion of a candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee or (ii) with material involvement of the candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee in devising the strategy, content, means of dissemination, or timing of the expenditure.

"Designated contribution" means a contribution that is designated specifically and in writing for

a particular candidate or candidates and that is made using a political committee solely as a conduit.

"Expenditure" means money and services of any amount, and any other thing of value, paid, loaned, provided, or in any other way disbursed by any candidate, campaign committee, political committee, or person for the purpose of expressly advocating the election or defeat of a clearly identified candidate or by any inaugural committee for the purpose of defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General.

"Federal political action committee" means any political action committee registered with the Federal Election Commission that makes contributions to candidates or political committees registered in Virginia.

"Inaugural committee" means any organization, person, or group of persons that anticipates receiving contributions or making expenditures, from other than publicly appropriated funds, for the inauguration of the Governor, Lieutenant Governor, or Attorney General and related activities.

"Independent expenditure" means an expenditure made by any person, candidate campaign committee, or political committee that is not made to, controlled by, coordinated with, or made with the authorization of a candidate, his campaign committee, or an agent of the candidate or his campaign committee. "Independent expenditure" includes an expenditure made by a candidate campaign committee (i) that is not related to the candidate's own campaign and (ii) that is not made to, controlled by, coordinated with, or made with the authorization of a different candidate, his campaign committee, or an agent of that candidate or his campaign committee.

"In-kind contribution" means the donation of goods, services, property, or other thing of value, other than money, including an expenditure controlled by, coordinated with, or made upon the authorization of a candidate, his campaign committee, or an agent of the candidate or his campaign committee, that is provided for free or less than the usual and normal charge. The basis for arriving at the dollar value of an in-kind contribution is as follows: new items are valued at retail value; used items are valued at fair market value; and services rendered are valued at the actual cost of service per hour. Services shall not be deemed to include personal services voluntarily rendered for which no compensation is asked or given.

"Out-of-state political committee" means an entity covered by § 527 of the United States Internal Revenue Code that is not registered as a political committee or candidate campaign committee in Virginia and that does not have as its primary purpose expressly advocating the election or defeat of a clearly identified candidate. The term shall not include a federal political action committee.

"Person" means any individual or corporation, partnership, business, labor organization, membership organization, association, cooperative, or other like entity.

"Political action committee" means any organization, person, or group of persons, established or maintained to receive and expend contributions for the primary purpose of expressly advocating the election or defeat of a clearly identified candidate. The term shall not include a campaign committee, federal political action committee, out-of-state political committee, political party committee, referendum committee, or inaugural committee.

"Political committee" means and includes any political action committee, political party committee, referendum committee, or inaugural committee. The term shall not include: (i) a

federal political action committee or out-of-state political committee; (ii) a campaign committee; (iii) a political party committee exempted pursuant to § 24.2-950.1; or (iv) a person who receives no contributions from any source and whose only expenditures are made solely from his own funds and are either contributions made by him which are reportable by the recipient pursuant to this chapter or independent expenditures which are reportable by him to the extent required by § 24.2-945.2, or a combination of such reportable contributions and independent expenditures.

"Political party committee" means any state political party committee, congressional district political party committee, county or city political party committee, other election district political party committee, or organized political party group of elected officials. This definition is subject to the provisions of § 24.2-950.1.

"Primary purpose" means that 50% or more of the committee's expenditures made in the form of contributions shall be made to candidate campaign committees or political committees registered in Virginia. Administrative expenditures and the transfer of funds between affiliated or connected organizations shall not be considered in determining the committee's primary purpose. The primary purpose of the committee shall not be determined on the basis of only one report or election cycle, but over the entirety of the committee's registration.

"Referendum committee" means any organization, person, group of persons, or committee, that makes expenditures in a calendar year in excess of (i) \$10,000 to advocate the passage or defeat of a statewide referendum, (ii) \$5,000 to advocate the passage or defeat of a referendum being held in two or more counties and cities, or (iii) \$1,000 to advocate the passage or defeat of a referendum held in a single county or city.

"Residence" means "residence" or "resident" as defined in § 24.2-101.

"Statewide office" means the office of Governor, Lieutenant Governor, or Attorney General.

B. For the purpose of applying the filing and reporting requirements of this chapter, the terms "person" and "political committee," shall not include an organization holding tax-exempt status under § 501(c) (3), 501(c) (4), or 501(c) (6) of the United States Internal Revenue Code which, in providing information to voters, does not advocate or endorse the election or defeat of a particular candidate, group of candidates, or the candidates of a particular political party.

1970, c. 462, § 24.1-255; 1975, c. 515, § 24.1-254.1; 1981, c. 425, § 24.1-254.2; 1983, c. 119; 1988, c. 616; 1991, cc. 9, 474, 709, § 24.1-254.3; 1993, cc. 641, 776, 921, §§ 24.2-901, 24.2-902; 1994, c. 510; 1996, cc. 405, 1042; 2004, c. 457; 2006, cc. 771, 772, 787, 805, 892, 938; 2007, cc. 246, 831; 2008, cc. 152, 289.

§ 24.2-945.2. Persons required to file independent expenditure disclosure reports; filing deadline.

A. Any person, candidate campaign committee, or political committee that makes independent expenditures, in the aggregate during an election cycle, of \$1,000 or more for a statewide election or \$200 or more for any other election shall maintain records and report pursuant to this chapter all such independent expenditures made for the purpose of expressly advocating the election or defeat of a clearly identified candidate.

B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds were expended or (ii) within 24 hours of the time when materials, as described in subsection A of this section, are published or broadcast to the public, whichever (i) or (ii) first occurs. The reports

shall be filed with the State Board if the funds were expended to support or oppose a candidate for statewide office or the General Assembly or with the general registrar of the county or city in which the candidate resides if the funds were expended to support or oppose a candidate for local office. The report filed by a political action committee or political party committee shall include the information required for a statement of organization as listed in subdivisions A 1 through A 8 of § 24.2-949.2 or subdivisions 1 through 6 of § 24.2-950.2, as appropriate, unless the committee has a current statement of organization on file with the State Board.

C. Independent expenditure reports required by this section may be filed electronically pursuant to § 24.2-946.1 or in writing on a form developed by the State Board. If the report is filed in writing, the report shall be (i) received by the State Board or the general registrar, as appropriate, within 24 hours of the time when the funds were expended or (ii) transmitted to the State Board or the general registrar, as appropriate, by telephonic transmission to a facsimile device within 24 hours of the time when the funds were expended with an original copy of the report mailed to the State Board or the general registrar, as appropriate, and postmarked within 24 hours of the time when the funds were expended.

1970, c. 462, § 24.1-255; 1975, c. 515; 1981, c. 425; 1983, c. 119; 1988, c. 616; 1991, c. 9; 1993, c. 641, § 24.2-910; 1996, c. 1042; 2002, c. 468; 2006, cc. 772, 787, 892, 938; 2007, cc. 331, 831; 2008, c. 825; 2015, cc. 644, 645.

Code of Virginia
Title 24.2. Elections

Chapter 9.5. Political Campaign Advertisements.

Article 1. General Provisions.

§ 24.2-955. Scope of disclosure requirements.

The disclosure requirements of this chapter apply to any sponsor of an advertisement in the print media or on radio or television the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than \$1,000 in an election cycle for or against a candidate for statewide office or less than \$200 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum.

2002, c. 487, § 24.2-941; 2006, cc. 787, 892; 2008, c. 825.

§ 24.2-955.1. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advertisement" means any message appearing in the print media, on television, or on radio that constitutes a contribution or expenditure under Chapter 9.3 (§ 24.2-945 et seq.). "Advertisement" shall not include novelty items authorized by a candidate including, but not limited to, pens, pencils, magnets, and buttons to be attached to wearing apparel.

"Authorized by .." means the same as "authorization" as defined in § 24.2-945.1.

"Campaign telephone calls" means a series of telephone calls, electronic or otherwise, made (i) to 25 or more telephone numbers in the Commonwealth, (ii) during the 180 days before a general or special election or during the 90 days before a primary or other political party nominating event, (iii) conveying or soliciting information relating to any candidate or political party participating in the election, primary or other nominating event, and (iv) under an agreement to compensate the telephone callers.

"Candidate" means "candidate" as defined in § 24.2-101.

"Candidate campaign committee" or "campaign committee" means "campaign committee" as defined in § 24.2-945.1.

"Coordinated" or "coordination" means an expenditure that is made (i) at the express request or suggestion of a candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee or (ii) with material involvement of the candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee in devising the strategy, content, means of dissemination, or timing of the expenditure.

"Conspicuous" means so written, displayed, or communicated that a reasonable person ought to have noticed it.

"Full-screen" means the only picture appearing on the television screen during the oral disclosure statement that (i) contains the disclosing person, (ii) occupies all visible space on the television screen, and (iii) contains the image of the disclosing person that occupies at least 50% of the vertical height of the television screen.

"Independent expenditure" means "independent expenditure" as defined in § 24.2-945.1.

"Occurrence" means one broadcast of a radio or television political campaign advertisement.

"Political action committee" means "political action committee" as defined in § 24.2-945.1.

"Political committee" means "political committee" as defined in § 24.2-945.1.

"Political party" has the same meaning as "party" or "political party" as defined in § 24.2-101.

"Political party committee" means any state political party committee, congressional district political party committee, county or city political party committee, or organized political party group of elected officials. The term shall not include any other organization or auxiliary associated with or using the name of a political party.

"Print media" means billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail, yard signs, and outdoor advertising facilities. If a single print media advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this section applies only to one page, fold, or face.

"Radio" means any radio broadcast station that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Scan line" means a standard term of measurement used in the electronic media industry calculating a certain area in a television advertisement.

"Sponsor" means a candidate, candidate campaign committee, political committee, or person that purchases an advertisement.

"Television" means any television broadcast station, cable television system, wireless-cable multipoint distribution system, satellite company, or telephone company transmitting video programming that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Unobscured" means that the only printed material that may appear on the television screen is a visual disclosure statement required by law, and that nothing is blocking the view of the disclosing person's face.

"Yard sign" means a sign paid for or distributed by a candidate, campaign committee, or political committee to be placed on public or private property. Yard signs paid for or distributed prior to July 1, 2015, shall not be subject to the provisions of §§ 24.2-956 and 24.2-956.1.

2002, c. 487, § 24.2-942; 2003, c. 237; 2006, cc. 787, 892; 2015, c. 573.

§ 24.2-955.2. Publications not to receive compensation for advocating candidacy; penalties.

A. It shall be unlawful for any owner, proprietor, editor, manager, officer, clerk, agent, reporter, or employee of any newspaper, magazine, or periodical printed or published in this Commonwealth to accept or receive or agree to accept or receive, for himself or another, any money or other valuable consideration for such newspaper, magazine, or other periodical supporting or advocating the election or defeat of any candidate. But nothing in this section shall prevent any person, firm, or corporation engaged in the publication of any newspaper, magazine or periodical from receiving from any person compensation for printing and publishing any

matter, article or articles advocating the election or defeat of any candidate, if a statement, "Paid Advertisement," appears in plain type in boldface Roman capitals in a conspicuous place at the beginning of the matter or article and the matter or article otherwise complies with the provisions of this chapter.

B. The person accepting a "Paid Advertisement" for the newspaper, magazine or periodical shall require, and for one year shall retain a copy of, proof of the identity of the person who submits the advertisement for publication when the authorization statement on the advertisement is made pursuant to this chapter by an individual or entity other than a candidate, candidate campaign committee, political party committee, or political action committee. Proof of identity shall be submitted either (i) in person and include a valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States, or (ii) other than in person, in which case, the person submitting the advertisement shall provide a telephone number and the person accepting the advertisement may phone the person to verify the validity of the person's identifying information before publishing the advertisement. Any candidate clearly identified in the advertisement is entitled to the name of the person who submitted the advertisement after the publication of the advertisement in the newspaper, magazine, or periodical.

C. Any such owner, proprietor, editor, manager, officer, clerk, agent, reporter, or employee violating the provisions of subsection A or B shall be subject to a civil penalty not to exceed \$50; and, in the case of a willful violation, he shall be guilty of a Class 1 misdemeanor. The procedure to enforce the civil penalty provided in this section shall be as stated in Article 8 (§ 24.2-953 et seq.) of Chapter 9.3.

Code 1950, § 24-406; 1952, c. 4; 1970, c. 462, § 24.1-276; 1991, c. 709; 1993, c. 641, § 24.2-1013; 2001, c. 747; 2002, c. 487; 2006, cc. 787, 892; 2008, c. 825.

§ 24.2-955.3. Penalties for violations of this chapter.

A. Any sponsor violating Article 2 (§ 24.2-956 et seq.) of this chapter shall be subject to (i) a civil penalty not to exceed \$1,000; or (ii) in the case of a violation occurring within the 14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500. In the case of a willful violation, he shall be guilty of a Class 1 misdemeanor.

B. Any sponsor violating Article 3 (§ 24.2-957 et seq.) or 4 (§ 24.2-958 et seq.) of this chapter shall be subject to (i) a civil penalty not to exceed \$1,000 per occurrence; or (ii) in the case of a violation occurring within the 14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500 per occurrence. In the case of a willful violation, he shall be guilty of a Class 1 misdemeanor. In no event shall the total civil penalties imposed for multiple broadcasts of one particular campaign advertisement exceed \$10,000.

C. Any person violating Article 5 (§ 24.2-959 et seq.) of this chapter shall be subject to a civil penalty not to exceed \$2,500; and in the case of a willful violation, he shall be guilty of a Class 1 misdemeanor. A violation of the provisions of Article 5 of this chapter shall not void any election.

D. The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty. At least 10 days prior to such hearing, the State Board shall send notice by certified mail to persons whose actions will be reviewed at such meeting and may be subject to civil penalty. Notice shall include the time and date of the meeting, an explanation

of the violation, and the maximum civil penalty that may be assessed.

E. It shall not be deemed a violation of this chapter if the contents of the disclosure legend or statement convey the required information.

F. Any civil penalties collected pursuant to an action under this section shall be payable to the State Treasurer for deposit to the general fund. The procedure to enforce the civil penalties provided in this section shall be as stated in § 24.2-946.3.

2002, c. 487, §§ 24.2-943, 24.2-944; 2003, c. 237; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892; 2010, c. 546.

Article 2. Print Media Advertisement Requirements.

§ 24.2-956. Requirements for print media advertisements sponsored by a candidate campaign committee.

It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless all of the following conditions are met:

1. It bears the legend or includes the statement: "Paid for by _____ [Name of candidate or campaign committee]." Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by _____ [Name of sponsor]" may be replaced by the statement "Authorized by _____ [Name of sponsor]."
2. In an advertisement sponsored by a candidate or a candidate campaign committee that makes reference to any other clearly identified candidate who is not sponsoring the advertisement, the sponsor shall state whether it is authorized by the candidate not sponsoring the advertisement. The visual legend in the advertisement shall state either "Authorized by [Name of candidate], candidate for [Name of office]" or "Not authorized by any other candidate." This subdivision does not apply if the sponsor of the advertisement is the candidate the advertisement supports or that candidate's campaign committee.
3. If an advertisement is jointly sponsored, the disclosure statement shall name all the sponsors.
4. Any disclosure statement required by this section shall be displayed in a conspicuous manner in a minimum font size of seven point.
5. Any print media advertisement appearing in electronic format shall display the disclosure statement in a minimum font size of seven point; however, if the advertisement lacks sufficient space for a disclosure statement in a minimum font size of seven point, the advertisement may meet disclosure requirements if, by clicking on the print media advertisement appearing in electronic format, the viewer is taken to a landing page or a home page that displays the disclosure statement in a conspicuous manner.

2002, c. 487, § 24.2-943; 2003, c. 237; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892; 2012, c. 519

§ 24.2-956.1. Requirements for print media advertisements sponsored by a person or political committee, other than a candidate campaign committee.

It shall be unlawful for any person or political committee to sponsor a print media advertisement

that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are met:

1. It bears the legend or includes the statement: "Paid for by _____ [Name of person or political committee]."
2. In an advertisement supporting or opposing the nomination or election of one or more clearly identified candidates, the sponsor states whether it is authorized by a candidate. The visual legend in the advertisement shall state either "Authorized by [Name of candidate], candidate for [Name of office]" or "Not authorized by a candidate."
3. In an advertisement that identifies a candidate the sponsor is opposing, the sponsor must disclose in the advertisement the name of the candidate who is intended to benefit from the advertisement, if the sponsor coordinates with, or has the authorization of, the benefited candidate.
4. If an advertisement is jointly sponsored, the disclosure statement shall name all the sponsors.
5. Any disclosure statement required by this section shall be displayed in a conspicuous manner in a minimum font size of seven point.
6. Any print media advertisement appearing in electronic format shall display the disclosure statement in a minimum font size of seven point; however, if the advertisement lacks sufficient space for a disclosure statement in a minimum font size of seven point, the advertisement may meet disclosure requirements if, by clicking on the print media advertisement appearing in electronic format, the viewer is taken to a landing page or a home page that displays the disclosure statement in a conspicuous manner.

2002, c. 487, § 24.2-943; 2003, c. 237; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892; 2012, c. 519

Article 3. Television Advertisement Requirements.

§ 24.2-957. General provisions.

A. Television outlets shall not be liable under this article for carriage of political advertisements that fail to include the disclosure requirements provided for in this article. This provision supersedes any contrary provisions of the Code of Virginia.

B. If the sponsor does not have the option of controlling the audio, if any, heard during the television advertisement, the disclosure requirements shall be the same as for print media.

C. The person accepting an advertisement for a television outlet shall require, and for one year shall retain a copy of, proof of identity of the person who submits the advertisement for broadcast. Proof of identity shall be submitted either (i) in person and include a valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States, or (ii) other than in person, in which case, the person submitting the advertisement shall provide a telephone number and the person accepting the advertisement may phone the person to verify the validity of the person's identifying information before broadcasting the advertisement.

D. Any disclosure statement required by this article shall be displayed in a conspicuous manner.

2002, c. 487, § 24.2-944; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

§ 24.2-957.1. Requirements for television advertisements sponsored by a candidate or candidate campaign committee.

It shall be unlawful for any candidate or a candidate campaign committee to sponsor a television advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are met:

1. It bears the legend or includes the statement: "Paid for by _____ [Name of candidate or campaign committee]." Alternatively, if the advertisement is supporting that candidate and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by _____ [Name of sponsor]" may be replaced by the statement "Authorized by _____ [Name of sponsor]."

The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size. The content of these visual legends is specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and 317 and this section.

2. If the advertisement sponsored by the candidate or the candidate campaign committee makes reference to another clearly identified candidate, it must include a disclosure statement spoken by the sponsoring candidate containing at least the following words: "I am _____ (or 'This is _____') [Name of candidate], candidate for [Name of] office, and I (or 'my campaign') sponsored this ad."

The candidate or the candidate campaign committee may provide the oral disclosure statement required by this section at the same time as the visual disclosure required under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317, is shown.

3. The advertisement shall include throughout the disclosure statement an unobscured, full-screen picture containing the candidate, either in photographic form or through the actual appearance of the candidate on camera.

4. The candidate or the campaign committee may place the disclosure statement required by this section at any point during the advertisement, except if the duration of the advertisement is more than five minutes, the disclosure statement shall be made both at the beginning and end of the advertisement.

5. In its oral disclosure statement, the sponsor may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

6. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the sponsors and the candidate shall be the disclosing individual. If more than one candidate is the sponsor, at least one of the candidates shall be the disclosing individual.

2002, c. 487, § 24.2-944; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

§ 24.2-957.2. Requirements for television advertisements sponsored by a political committee.

It shall be unlawful for a political committee to sponsor a television advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are met:

1. It bears the legend or includes the statement: "Paid for by _____ [Name of political committee]."

2. A television advertisement supporting or opposing the nomination or election of one or more clearly identified candidates (i) shall include a disclosure statement, spoken by the chief executive officer or treasurer of the political committee, containing at least the following words: "The [Name of political committee] sponsored this ad."
3. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the sponsors and the disclosing individual shall be one of those sponsors.
4. The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size.
5. The content of these visual legends is specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and 317 and this section.
6. The political committee may provide the oral disclosure statement required by this section at the same time as the visual disclosure required under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317, is shown.
7. The advertisement shall include throughout the disclosure statement an unobscured, full-screen picture containing the disclosing individual, either in photographic form or through the actual appearance of the disclosing individual on camera.
8. A political committee may place the disclosure statement required by this section at any point during the advertisement, except if the duration of the advertisement is more than five minutes, the disclosure statement shall be made both at the beginning and end of the advertisement.
9. In its oral disclosure statement, a political committee may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.
10. If the advertisement is jointly sponsored, the disclosure statement shall name all of the sponsors and the disclosing individual shall be one of those sponsors. This provision supersedes any contrary provisions of the Code of Virginia.

2002, c. 487, §§ 24.2-943, 24.2-944; 2003, c. 237; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

§ 24.2-957.3. Requirements for television advertisements sponsored by a person that is not a candidate campaign committee or political committee.

A. It shall be unlawful for a person to sponsor a television advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are met:

1. If the sponsor is an individual, a disclosure statement spoken by the individual containing at least the following words: "I am [individual's name], and I sponsored this ad."
2. If the sponsor is a corporation, partnership, business, labor organization, membership organization, association, cooperative, or other like entity, a disclosure statement spoken by the chief executive officer containing at least the following words: "[Name of sponsor] paid for (or 'sponsored' or 'furnished') this ad."

B. In its oral disclosure statement, a person may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

C. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the sponsors.

2002, c. 487, § 24.2-944; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

Article 4. Radio Advertisement Requirements.

§ 24.2-958. General provisions.

A. Radio outlets shall not be liable under this article for carriage of political advertisements that fail to include the disclosure requirements provided for in this article. This provision supersedes any contrary provisions of the Code of Virginia.

B. The person accepting an advertisement for a radio outlet shall require, and for one year shall retain a copy of, proof of identity of the person who submits the advertisement for broadcast. Proof of identity shall be submitted either (i) in person and include a valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States, or (ii) other than in person, in which case, the person submitting the advertisement shall provide a telephone number and the person accepting the advertisement may phone the person to verify the validity of the person's identifying information before broadcasting the advertisement.

C. Any disclosure statement required by this section shall be communicated in a conspicuous manner.

2002, c. 487, § 24.2-944; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

§ 24.2-958.1. Requirements for radio advertisements sponsored by a candidate or candidate campaign committee.

It shall be unlawful for a candidate or a candidate campaign committee to sponsor a radio advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless all of the following requirements are met:

1. The advertisement shall include the statement "Paid for by~~☒~~Name of candidate or candidate campaign committee]." Alternatively, if the advertisement makes no reference to any clearly identified candidate other than the candidate who is sponsoring the advertisement or whose campaign committee is sponsoring the advertisement, then the statement "Paid for by~~☒~~Name of candidate or candidate campaign committee]" may be replaced by the statement "Authorized by~~☒~~Name of candidate or candidate campaign committee]."
2. If the advertisement supports or opposes the election or nomination of a clearly identified candidate other than the sponsoring candidate or supports or opposes the election or nomination of the sponsoring candidate and makes reference to another clearly identified candidate, it must include a disclosure statement spoken by the sponsoring candidate containing at least the following words: "I am (or 'This is') [Name of candidate], candidate for [Name of office], and this ad was paid for by (or 'sponsored by' or 'furnished by') [Name of candidate or candidate campaign committee]."
3. The disclosure statement shall last at least two seconds and the statement shall be spoken so that its contents may be easily understood. The placement of the oral disclosure statement shall also comply with the requirements of the Communications Act of 1934, 47 U.S.C. §§ 315 and 317.

4. In its oral disclosure statement, the candidate or the candidate campaign committee may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

5. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the sponsors and the candidate shall be the disclosing individual. If more than one candidate is the sponsor, at least one of the candidates shall be the disclosing individual.

2002, c. 487, § 24.2-944; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

§ 24.2-958.2. Requirements for radio advertisements sponsored by a political committee.

It shall be unlawful for a political committee to sponsor an advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are satisfied:

1. A radio advertisement supporting or opposing the nomination or election of one or more clearly identified candidates (i) shall include a disclosure statement, spoken by the chief executive officer or treasurer of the committee, containing at least the following words: "This ad was paid for (or 'sponsored by' or 'furnished by') [Name of political action committee]." (ii) The disclosure statement shall last at least two seconds and the statement shall be spoken so that its contents may be easily understood. (iii) The placement of the oral disclosure statement shall also comply with the requirements of the Communications Act of 1934, 47 U.S.C. §§ 315 and 317.

2. In its oral disclosure statement, a political committee may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

3. If the advertisement is jointly sponsored, the disclosure statement shall name all of the sponsors and the disclosing individual shall be one of those sponsors.

2002, c. 487, § 24.2-944; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

§ 24.2-958.3. Requirements for radio advertisements sponsored by a person that is not a candidate or political committee.

A. It shall be unlawful for a person to sponsor an advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are met:

1. Radio advertisements purchased by an individual supporting or opposing the nomination or election of one or more clearly identified candidates shall include a disclosure statement spoken by the individual containing at least the following words: "I am [individual's name], and I sponsored this ad."

2. Radio advertisements purchased by a corporation, partnership, business, labor organization, membership organization, association, cooperative, or other like entity supporting or opposing the nomination or election of one or more clearly identified candidates shall include a disclosure statement spoken by the chief executive of the sponsor containing at least the following words: "[Name of sponsor] paid for (or 'sponsored' or 'furnished') this ad."

B. In its oral disclosure statement, a person may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

C. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the sponsors.

2002, c. 487, § 24.2-944; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

Article 5. Campaign Telephone Call Requirements.

§ 24.2-959. Requirements for campaign telephone calls sponsored by a candidate or candidate campaign committee.

It shall be unlawful for any candidate or candidate campaign committee to make campaign telephone calls without disclosing, before the conclusion of each telephone call, information to identify the candidate or candidate campaign committee who has authorized and is paying for the calls unless such call is terminated prematurely by means beyond the maker's control.

The person making the telephone call shall disclose the name of the candidate.

It shall be unlawful for any candidate or candidate campaign committee making campaign telephone calls to intentionally modify the caller identification information of any campaign telephone call for the purpose of misleading the recipient as to the identity of the caller. If the call is made from an automatic dialing-announcing device and caller identification information includes a name associated with the telephone number, then the caller identification information shall include either the name of the candidate or candidate campaign committee that has authorized and is paying for the calls, or the vendor conducting the calls on behalf of the candidate or candidate campaign committee. "Automatic dialing-announcing device" means the same as that term is defined in § 59.1-518.1.

It shall also be unlawful (i) for any candidate or candidate campaign committee who contracts for campaign telephone calls to fail to provide to the persons making the telephone calls the identifying information required by this section or (ii) for any person to provide a false or fictitious name or address when providing the identifying information required.

2000, c. 874, § 24.2-1014.1; 2006, cc. 787, 892; 2010, c. 323.

§ 24.2-959.1. Requirements for campaign telephone calls sponsored by a political committee or person other than a candidate or candidate campaign committee.

It shall be unlawful for any person or political committee to make campaign telephone calls without disclosing, before the conclusion of each telephone call, information to identify the person or political committee who has authorized and is paying for the calls unless such call is terminated prematurely by means beyond the maker's control.

The person making the telephone call shall disclose the following identifying information: the name of the political committee if the calls are authorized by that committee or an agent of that committee; and in the case of a committee that has filed a statement of organization under Chapter 9.3 (§ 24.2-945 et seq.), the full name of the committee and a registration number provided by the State Board; or in any other case, the full name and residence address of the individual responsible for the campaign telephone calls.

It shall be unlawful for any person, corporation, or political committee making campaign telephone calls to intentionally modify the caller identification information for the purpose of misleading the recipient as to the identity of the caller. If the call is made from an automatic dialing-announcing device and caller identification information includes a name associated with

the telephone number, then the caller identification information shall include either the name of the person, corporation, or political committee that has authorized and is paying for the calls or the vendor conducting the calls on behalf of the person, corporation, or political committee.

"Automatic dialing-announcing device" means the same as that term is defined in § [59.1-518.1](#).

It shall also be unlawful (i) for any person who contracts for campaign telephone calls to fail to provide to the persons making the telephone calls the identifying information required by this section or (ii) for any person to provide a false or fictitious name or address when providing the identifying information required.

2000, c. [874](#), § [24.2-1014.1](#);2006, cc. [787](#), [892](#);2010, c. [323](#).

Article 8. Penalties.

§ 24.2-953. General provisions.

- A. The procedures to enforce the provisions of this article are found in § 24.2-946.3.
- B. Either the failure to file any statement or report or the late filing of any statement or report required by this chapter shall constitute a violation of this chapter subject to the penalties provided in this article.
- C. Any person who violates, or aids, abets, or participates in the violation of, this chapter shall be subject to a civil penalty not to exceed \$100, unless a greater penalty is imposed by this article.
- D. In the case of a willful violation, the violator shall be guilty of a Class 1 misdemeanor. There shall be a rebuttable presumption that the violation of this chapter was willful if the violation is based on a person's failure to file a report required by this chapter and his failure to file continues for more than 60 days following his actual receipt of written notice of his failure to file sent to him by certified mail, return receipt requested, by the State Board or a general registrar. Such notice shall be sent to the most recent mailing address provided by the candidate or committee.
- E. In the case of a failure to file a required statement or report by the specified deadline, the length of the delinquency shall be a factor in determining the amount of the civil penalty assessed.
- F. The statute of limitations applicable to a violation of this chapter is stated in § 19.2-8.
- G. The requirements of this chapter for the filing of timely and complete statements and reports by any candidate campaign committee or political committee shall at all times remain in full force and effect and shall not be vacated, suspended, or modified as the result of any pending or completed criminal or civil investigation of the candidate campaign committee, the political committee, or any individual participant in the committee.

1975, c. 515, § 24.1-262; 1990, c. 976; 1991, c. 709; 1993, c. 641, § 24.2-929; 1994, c. 752; 1995, c. 785; 2000, cc. 511, 555; 2001, cc. 620, 635, 648; 2004, cc. 457, 480; 2005, cc. 9, 371, 676, 745; 2006, cc. 787, 892; 2012, c. 298; 2015, cc. 644, 645.

§ 24.2-953.1. Failure to file the required reports.

- A. In the case of a failure to file the statement of organization for a candidate campaign committee or political committee required by this chapter, there shall be a civil penalty not to exceed \$500.
- B. In the case of the failure to file a required report, the candidate campaign committee or political committee shall be assessed a civil penalty not to exceed \$500. In the case of the failure to file a report required pursuant to subsection D of § 24.2-949.6, the political action committee shall be assessed a civil penalty not to exceed \$500. In the case of a second or any subsequent such violation pertaining to one election cycle, the candidate campaign committee or political committee shall be assessed a civil penalty of \$1,000 for each such failure to file.
- C. In the case of a failure to file the report of any large pre-election contribution required by § 24.2-947.9 or a report required pursuant to subsection D of § 24.2-949.6, there shall be a rebuttable presumption that the violation was willful.

2006, cc. 787, 892; 2008, c. 547; 2010, c. 696.

§ 24.2-953.2. Late filing of required reports.

A. In the case of the late filing of the statement of organization required by this chapter for a candidate campaign committee or political committee, there shall be a civil penalty not to exceed \$500.

B. In the case of a late filing of a required report, the candidate campaign committee or political committee shall be assessed a civil penalty not to exceed \$500. In the case of a second or any subsequent such violation pertaining to one election cycle, the candidate campaign committee or political committee shall be assessed a civil penalty of \$1,000 for each such late filing.

2006, cc. 787, 892.

§ 24.2-953.3. Incomplete reports.

A. In the case of a violation of this chapter that relates to the filing of an incomplete report, the violator shall be subject to a civil penalty not to exceed \$500 unless a greater penalty is imposed pursuant to this section. However the civil penalty shall in no case exceed \$500 unless the total of the filer's reportable contributions or the total of the filer's reportable expenditures is \$10,000 or more.

B. Prior to assessing a penalty pursuant to this section for the filing of an incomplete report, the Commissioner of Elections or the general registrar shall notify, by certified mail, the candidate and treasurer, or person or political committee required to file a report with that board, that a filed report has not been completed, citing the omissions from the report. No penalty shall be assessed if the information required to complete the report is filed within 10 days of the date of mailing the written notice.

C. If the information required to complete the report is not filed within the 10-day period, the Commissioner of Elections or the general registrar shall then assess against the candidate and treasurer, who shall be jointly and severally liable, or person or political committee required to file a report, a civil penalty not to exceed \$500. The Commissioner of Elections or the general registrar shall consider the following factors in determining the civil penalty assessed: the number of omissions, the amount of money involved, and the proportion of contributions or expenditures containing omissions.

D. The Commissioner of Elections or the general registrar may grant an additional period for compliance, not to exceed two weeks, to permit the completion of a filed report for good cause shown and in response to a request filed within the 10-day period. However, no additional period shall be granted thereafter for compliance.

E. The civil penalty assessed for filing an incomplete report shall be increased by \$500 every 60 days following the date for compliance established pursuant to this section and until compliance is complete. If the failure to comply continues for more than 120 days following the date for compliances established pursuant to this section, there shall be a rebuttable presumption that the violation was willful, and the matter shall be forwarded to the appropriate attorney for the Commonwealth.

F. The civil penalty assessed for filing any subsequent incomplete report (i) that is filed more than 20 days after notice has been given of a violation or (ii) that is filed during the 60 days prior to the elections for which the person is a candidate shall be \$1,000.

G. The State Board shall notify the public through its official Internet website of a failure to file a

complete report by a candidate for statewide office or the General Assembly and the identity of the violator following the date for compliance established pursuant to this section.

2006, cc. 787, 892;2013, c. 542;2015, cc. 644, 645.

§ 24.2-953.4. Additional civil penalties for late and incomplete filings for statewide campaigns.

A. In addition to the penalties provided in §§ 24.2-953.1, 24.2-953.2, and 24.2-953.3, any candidate for statewide office, and his campaign treasurer, who fails to file any report required in Article 3 (§ 24.2-947 et seq.) in a timely manner or files an incomplete report may be assessed a civil penalty by the Commissioner of Elections pursuant to this section.

B. Prior to assessing a penalty pursuant to this section, the Commissioner shall notify, within 14 days of the deadline for the required report, the candidate and treasurer in writing that a report has not been filed or that a filed report has not been completed, citing the omissions from the report. No penalty shall be assessed pursuant to this section if the report or information required to complete the report is filed within seven days of the date of mailing the written notice.

C. If the report or information required to complete the report is not filed within the seven-day period, the Commissioner shall assess against the candidate and treasurer, who shall be jointly and severally liable, a civil penalty of \$500 for each day that the violation continues on and after the eighth day following the date of mailing the written notice. The Commissioner may grant an additional period for compliance, not to exceed two weeks, for good cause shown and in response to a request filed within the seven-day period. However, no additional period shall be granted for compliance with the requirement under subdivision A 8 of § 24.2-947.6 to file a report not later than the eighth day before the election. The State Board shall notify the public through its official Internet website of the violation and identity of the violator.

D. If requested by the Commissioner, the attorney for the Commonwealth of the City of Richmond shall assist the Commissioner in collecting the civil penalty.

E. Any candidate or treasurer aggrieved by the assessment pursuant to this section shall have a right to the direct review of the assessment by a court of competent jurisdiction as provided in the Administrative Process Act (§ 2.2-4000 et seq.). The provisions of the Act shall not apply, however, to the assessment of civil penalties by the Commissioner pursuant to this section.

F. Civil penalties collected pursuant to this section shall be payable to the State Treasurer for deposit to the general fund.

1991, c. 548, § 24.1-263.1; 1993, c. 641, § 24.2-930; 2001, c. 620;2005, c. 371;2006, cc. 787, 892; 2013, c. 542.

§ 24.2-953.5. Additional penalties related to federal political action or out-of-state political committees.

A. Acceptance of contributions of \$10,000 or more in the aggregate in any calendar year from an unregistered federal political action committee or out-of-state political committee shall result in a civil penalty equal to the amount of the contributions made to a candidate campaign committee or political committee.

B. The provisions of this subsection are applicable regardless of the assessment of a civil penalty pursuant to subsection A. The failure of any federal political action committee or out-of-state political committee to comply with the provisions of § 24.2-949.2, 24.2-949.9:1, 24.2-949.9:2, or

[24.2-949.9:3](#) shall result in a civil penalty not to exceed the amount of the contribution made to a candidate campaign committee or political committee.

C. The State Board of Elections shall institute proceedings pursuant to § [24.2-104](#) against any committee that fails to comply with the provisions of § [24.2-947.3:1](#), [24.2-949.2](#), [24.2-949.9:1](#), [24.2-949.9:2](#), [24.2-949.9:3](#), or [24.2-949.9:4](#) and, after notice by the State Board, continues for more than five days to remain noncompliant.

2006, cc. [771](#), [805](#), § [24.2-930.1](#).

1 MINUTES

2

3 The State Board of Elections Board Meeting was held on Wednesday, May 13,
4 2015. The meeting was held in the Washington Building, Richmond, Virginia – Room
5 B27. In attendance, representing the State Board of Elections (SBE) was James Alcorn,
6 Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary. Also in
7 attendance, representing the Department of Elections (ELECT) was Edgardo Cortés,
8 Commissioner; Elizabeth Howard, Deputy Commissioner; and Rose Mansfield, Clerk.
9 Kristina Stoney, Senior Assistant Attorney General and Anna Birkenheier, Assistant
10 Attorney General both Counsel to SBE and ELECT attended. Chairman Alcorn called the
11 meeting to order at 2:00PM.

12 The first order of business was the approval of the Minutes from the State Board
13 of Elections Board Meetings held on April 1, 2015, April 14, 2015, and April 17, 2015.
14 Chairman Alcorn asked if Board Members had any additions or corrections to the Board
15 Meeting Minutes presented and there were none. Secretary McAllister moved to adopt
16 the Minutes for the April 1, 2015, April 14, 2015, and April 17, 2015 Board Meetings.
17 Vice Chair Wheeler seconded the motion and the Board unanimously approved the
18 Minutes.

19 The second order of business was the Commissioner Report delivered by
20 Commissioner Cortés. Commissioner Cortés stated that ELECT will continue their
21 education efforts and outreach program in support of the photo identification program by
22 utilizing media outlets prior the June 2015, primaries. Commissioner Cortés stated that
23 the goal is to refresh the voters on the requirements of the voter photo identification
24 program and to remind voters that they are eligible for a free voter identification card if
25 they do not have an acceptable form of identification on Election Day. Commissioner
26 Cortés stated that ELECT is focusing on the preparations for the annual training
27 workshop. Over 500 participants are scheduled to attend the three day workshop. The
28 annual training is attended by general registrars and electoral board members and will
29 include the return of “Boot Camp” for recently sworn-in general registrars and electoral
30 board members. Commissioner Cortés thanked Terry Wagoner, Registrar Liaison, for her
31 efforts in preparing for the workshop. Commissioner Cortés stated that ELECT Staff will

32 be presenting informational classes on various election related subjects and thanked the
33 group for their tireless efforts preparing for the workshop that will be conducted July 27-
34 29, 2015.

35 The second order of business was the Legal Report presented by Kristina Stoney,
36 Senior Assistant Attorney General. Ms. Stoney stated that there were no updates to
37 provide to the Board Members.

38 The next order of business listed under “Old Business” was the WinVote Locality
39 Update presented by Commissioner Cortés. Commissioner Cortés stated that there were
40 30 localities across the Commonwealth utilizing the WinVote equipment that is now
41 decertified with ten of those localities preparing for the June, 2015 primary.
42 Commissioner Cortés stated that funding is not available to those localities to replace
43 their equipment however; ELECT will be providing support in the transition process by
44 offering the assistance of Rokey Suleman, former General Registrar from Fairfax and
45 Prince William County, who has experience in equipment transitions. Mr. Suleman will
46 be assisting in the review of voting security plans, voter outreach, voting equipment
47 storage, and election officer training with local administrators in those localities affected
48 by the decertification of the WinVote voting equipment systems. Commissioner Cortés
49 stated that the ten localities with June primaries have a voting equipment plan and briefly
50 outlined the plans of each of the ten localities. Chairman Alcorn inquired if the
51 equipment vendors had submitted the requested updates, as requested by SBE, to
52 ELECT. Commissioner Cortés stated that the vendors were going to issue their reports
53 immediately after the June primaries. Commissioner Cortés stated that the Board would
54 receive a complete report on the equipment utilized during the June 2015 primary during
55 the certification meeting on June 22, 2015. Vice Chair Wheeler requested that ELECT
56 provide a copy of the questionnaire that the localities will be submitting that details their
57 voting equipment. Commissioner Cortés stated that the questionnaire would be provided
58 to Board Members.

59 The next order of business listed under “Old Business” was the Complaint against
60 Mike McHugh presented by Brooks Braun, ELECT Policy Analyst. Mr. Braun stated that
61 on September 23, 2013 the Board heard a matter alleging violations of Chapter 9.3 and
62 Chapter 9.5 of Title 24.2 of the *Code of Virginia* relating to campaign finance disclosure

63 and disclaimer requirements. The former Election Services Division Manager, Chris
64 Piper, presented the relevant information to the Board and concluded that it was likely
65 that Mr. McHugh was in violation of Chapter 9.3 for failure to file as a political action
66 committee and that the Board should refer the matter to the Commonwealth's Attorney in
67 the County of Warren, where Mr. McHugh resided. The Board tabled the matter for
68 discussion at the next meeting; however, the matter was not subsequently raised until
69 today. Mr. McHugh died on October 14, 2014. Subsequently, the lawyer for Mr.
70 McHugh's estate contacted the Department of Elections to inquire into the status of the
71 complaint against Mr. McHugh and asked that the matter be settled by the Board.

72 Mr. Braun stated that ELECT agrees with Mr. Piper's prior analysis that, with the
73 current information available, there is insufficient information to conclude that Mr.
74 McHugh violated Chapter 9.5 for failure to include specific disclaimers on his website or
75 the advertisements he sponsored. Disclaimer requirements only apply to individuals when
76 an individual makes personal expenditures in excess of \$200. ELECT has no information
77 regarding the actual amount spent by Mr. Hugh on communications containing express
78 advocacy. Mr. McHugh also stated that these were personal expenditures. Absent the
79 intervention of Commonwealth's Attorney's office to determine whether Mr. McHugh
80 actions resulted in political action committee status or the requirement to file an
81 independent expenditure report, the Department is unable to determine whether specific
82 disclaimer requirements apply to the communications distributed by Mr. McHugh. Mr.
83 Braun stated that since Mr. Piper found evidence that suggests a violation of Chapter 9.3
84 for failure to file as a PAC, in accordance with the duty of the Board under § 24.2-946.3,
85 the Department recommends that the Board refer the matter of Mike McHugh to the
86 Commonwealth's Attorney for the County of Warren, for further investigation and/or
87 prosecution. ELECT suggests that the Board table any discussion of whether Mr.
88 McHugh violated any portion of Chapter 9.5 until after a decision is made by the
89 Commonwealth's Attorney regarding Mr. McHugh's status under Chapter 9.3.

90 Mr. Braun stated that ELECT would also like to take this opportunity to
91 communicate with the Board its long standing practices regarding how complaints about
92 violations of chapters 9.3 and 9.5 are handled and to explain the rationales behind those
93 practices. Stating that it is a longstanding practice of the Department to not accept

94 complaints that are not related to the Board's authority under § 24.2-955.3(D) relating to
95 political advertisement disclaimers. The reason for this is that neither the Department nor
96 the Board has any investigative nor enforcement authority related to violations of
97 Chapters 9.3 and 9.5. As such, the Board has little to no authority to handle or address a
98 complaint not related to Chapter 9.5. Accordingly, it is the Department's practice to
99 redirect any complainants alleging violations outside of Chapter 9.5 to the appropriate
100 attorney for the Commonwealth. It is also the longstanding practice of the Department to
101 not accept anonymous complaints of any kind. Mr. Braun stated that there are several
102 reasons for this practice, including the practice's reduction in the number of frivolous
103 complaints filed. Chairman Alcorn asked Ms. Stoney if there was a statute of limitation
104 regarding this case. Ms. Stoney stated that the determination of statute rests with the local
105 Commonwealth Attorney's Office. Chairman Alcorn moved *that the Board refer Mike*
106 *McHugh's failure to properly register as a political action committee and failure to file*
107 *proper campaign finance reports to the Commonwealth's Attorney for the County of*
108 *Warren*. Vice Chair Wheeler seconded the motion. Chairman Alcorn asked if there were
109 any public comment and there was none. The Board unanimously approved the motion.

110 The next order of business under "New Business" was the Request for Full-Time
111 Status-Charles City County presented by Elizabeth Howard, Deputy Commissioner. Ms.
112 Howard stated that the Virginia Budget authorizes and funds general registrars with a
113 population in most counties under 10,000 and cities under 7,500 to work on a part-time
114 basis for most of the year. The budget does provide funding for the registrars to be
115 compensated to work full-time for the months surrounding each year's May General
116 Election (March through May), the Budget does not account for other elections, including
117 local elections and primaries. The request from the Charles City County Electoral Board
118 is that the general registrar work full-time for the period of May 1, 2015 through June 12,
119 2015 to handle the June, 2015 primary. Chairman Alcorn moved *that the Board approve*
120 *the request from the Electoral Board of the County of Charles City County for the period*
121 *of May 1, 2015 through June 12, 2015*. Vice Chair Wheeler seconded the motion.
122 Chairman Alcorn asked if there were any public comment and there was none. The Board
123 unanimously approved the motion.

124 The next order of business was the Electronic Poll Books (EPB), Certification
125 Requirements presented by Cameron Sasnett, ELECT Systems Support Specialist. Mr.
126 Sasnett stated that the EPB certification requirements were presented at the April 1, 2015,
127 SBE Board Meeting. Mr. Sasnett stated the guidelines are similar to those used for voting
128 equipment. Mr. Sasnett stated that §24.2-611(D) of the Code of Virginia allows all
129 localities to expend their own funds to purchase electronic pollbooks that have been
130 approved for use in elections by SBE. ELECT staff redeveloped the certification
131 document(s) to better incorporate specific requirements for enhanced security and
132 encryption methodologies. The document provides the framework for EPB Vendors to
133 bring their systems to SBE for certification testing were prohibited due to contradictions
134 in the certification requirements and the *Code of Virginia*. Mr. Sasnett noted that the
135 EPB guidelines are reflective of the voting equipment guidelines developed by Gary Fox,
136 Elections Services Supervisor. Mr. Sasnett reviewed the changes to the previously
137 presented document with the Board Members. Chairman Alcorn moved *that the Board*
138 *strike the current standing EPB certifications documents and approve and adopt the*
139 *document VAEPB Certification Procedures and System Requirements REV-0515 as the*
140 *Board's official certification guidance document*. Vice Chair Wheeler seconded the
141 motion. Commissioner Cortés stated that Virginia is a national leader in producing these
142 guidelines and thanked Mr. Sasnett for his efforts in developing the new EPB
143 certification requirements and guidelines. Chairman Alcorn asked if there were any
144 public comment and there was none. The Board unanimously approved the motion.

145 The next order of business was the Voter Registration Form & Regulations
146 presented by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated that
147 ELECT is requesting that the Voter Registration Form and the Regulations be made
148 available for public comment through Regulatory Town Hall. Commissioner Cortés
149 stated that a workgroup established in 2013, reviewed the form and regulations and
150 submitted suggested changes. Commissioner Cortés reviewed the suggested changes and
151 supplied a mock-up of the revised form to the Board Members. Commissioner Cortés
152 noted that a significant savings would occur with the change to formatting and printing
153 on standard size paper and the removal of color on the printed form. Commissioner
154 Cortés stated that federal and state requirements were reviewed before considering

155 changes to the voter registration form. Commissioner Cortés reviewed each of the
156 changes and the applicability to either the citizen completing the document and or the
157 general registrar who will be processing the document. Commissioner Cortés stated that
158 the revisions will decrease the frequency of applications being rejected due to
159 administrative reasons, i.e. simply neglecting to place a checkmark in a box.
160 Commissioner Cortés stated that the registration regulations changes are required to
161 support the changes to registration form.

162 Secretary McAllister stated that streamlining the appearance of the document will
163 lead to ease in completion and asked: “Have the federal and state requirements been
164 completely satisfied?” Commissioner Cortés stated: “Yes, when the document was
165 reduced in the number of pages the federal and state mandated items were incorporated
166 into the remaining document and one page of the previous document consisted solely of
167 the addresses of the general registrars. Additionally, the photo identification
168 requirements were added to the form.” Commissioner Cortés stated that ELECT
169 recommends that the regulation be made available for public comment for 21 - 30 days.
170 Commissioner Cortés stated a presentation would be made to Board Members at the July,
171 2015 meeting. Commissioner Cortés reviewed each of the changes submitted in the voter
172 registration regulations. Chairman Alcorn noted that on lines 16 and 24 the need to strike
173 the word “Department” and insert the word “Board” before submitting for comments.
174 Chairman Alcorn moved *that lines 16 and 24 of the proposed revisions to Voter*
175 *Registration Application Regulations reflect the insertion of “Board” rather than*
176 *“Department”*. Secretary McAllister seconded the motion and without public comment
177 the Board unanimously approved the motion. Chairman Alcorn asked if there were any
178 public comments on the amended regulation before the Board and there were none.
179 Chairman Alcorn moved *that the proposed Virginia Voter Registration Application and*
180 *the proposed amendments to IVAC 20-40-70 on the Virginia Regulatory Town Hall and*
181 *publishing in the Virginia Registrar of Regulations for a period of 30 days to commence*
182 *at the publication of the next issue in 2015*. Vice Chair Wheeler seconded the motion.
183 Chairman Alcorn asked if there were any public comments and there were none. The
184 Board unanimously approved the motion.

185 Commissioner Cortés thanked Rob Vance, ELECT Web Developer & Designer,
186 for his expertise and skills in redeveloping the existing form. Commissioner Cortés stated
187 that ELECT is grateful for his skill-set and having this talent in-house was both a cost and
188 time savings to the agency.

189 The next order of business was the Absentee Ballot Applications-Electronic
190 Signatures present by Elizabeth Howard, Deputy Commissioner. Ms. Howard stated that
191 this agenda item was requested by Speaker Howell. The Department of Elections
192 recommends that the Board direct general registrars to accept and process absentee ballot
193 applications containing electronic signatures when the electronic signature requires the
194 signer to affirmatively check a box confirming acknowledgment of the Affirmation
195 Statement which appears on the Absentee Ballot Application and the completed Absentee
196 Ballot Application includes a disclaimer indicating that it includes an electronic
197 signature. Authorizing electronic signatures on this form is recommended because the
198 General Assembly has recognized this particular step in the absentee ballot process as a
199 proper area for increasing voter convenience through the use of technology for over
200 twenty years, and accepting electronic signatures on this application will make it easier
201 for currently registered voters who are qualified to cast an absentee ballot to vote.

202 Chairman Alcorn asked Ms. Stoney if the use of electronic signatures on
203 Absentee Ballot Applications was acceptable. Ms. Stoney stated that a Virginia Attorney
204 General Opinion issued on September 26, 2014 stated that State Board of Elections is
205 authorized to require the acceptance of electronic signatures, giving them “legal
206 consequence” when affixed to an absentee ballot application. Chairman Alcorn asked:
207 “Will the Absentee Ballot Form require changes to support the acceptance of electronic
208 signatures?” Ms. Howard replied: “No”. Chairman Alcorn moved *that the Board direct*
209 *registrars to accept electronic signatures on Absentee Ballot Applications so long as the*
210 *applicant was required to affirmatively check a box confirming acknowledgment of the*
211 *Affirmation Statement which appears on the Absentee Ballot Application and the*
212 *completed Absentee Ballot Application includes a disclaimer indicating that it includes*
213 *an electronic signature.* Vice Chair Wheeler seconded the motion. Chairman Alcorn
214 asked if there were any public comments and there were none. The Board unanimously
215 approved the motion.

216 The next order of business was the Other Business and Public Comment period.
217 Commissioner Cortés stated that ELECT received a letter from the Virginia State Police
218 regarding WinVote Voting Equipment Systems stating that they have concluded their
219 inquiry into Stafford County and that there is no indication of criminal activity or issues
220 related to the November, 2014 elections and their investigation is considered closed.
221 Chairman Alcorn asked if there were any public comments.

222 Carol Noggle, League of Women Voters, approached the podium. Ms. Noggle
223 stated that the league was very pleased with changes drafted for public comment to the
224 voter registration form. Ms. Noggle stated that she supported the use of electronic
225 signatures and believed that official documents permit such signatures. Chairman Alcorn
226 asked if there were any additional public comments.

227 Dennis Fusaro, Front Royal, Virginia, approached the podium. Mr. Fusaro
228 presented a letter to the Clerk for introduction into the official documents of the Board.
229 Mr. Fusaro stated that he had concerns about the process of which citizens of the
230 Commonwealth of Virginia are able to access the voter registration lists. Mr. Fusaro
231 stated that he believed that the process and the procedures established are
232 unconstitutional and immoral. Mr. Fusaro stated that the process is being applied
233 unequally to different classes of people, with no rational basis, and the specific statement
234 that individuals may not make mailings or communications using pressure and
235 intimidation is constitutional vague and dangerous to the right of free speech, free
236 association, and the right to issue grievances with your government. Mr. Fusaro stated
237 that he wanted his thoughts on official record. Mr. Fusaro thanked the Board Members
238 for their time. Chairman Alcorn asked if there were any additional public comments and
239 there were none.

240 Vice Chair Wheeler moved *that the Board adjourn*. Secretary McAllister
241 seconded the motion and without further comment the Board voted unanimously to
242 adjourn. The meeting was adjourned at approximately 4:00PM.

243 The Board shall reconvene on June 9, 2015 at 8:00AM in the Washington
244 Building, 1100 Bank Street, Room B27, in Richmond, Virginia.

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Secretary

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Chair

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Vice Chair

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1 MINUTES

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3 The State Board of Elections Board Meeting was held on Monday, June 22, 2015.
4 The meeting was held in the Washington Building, Richmond, Virginia – Room B27. In
5 attendance, representing the State Board of Elections (SBE) was James Alcorn,
6 Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary. Also in
7 attendance, representing the Department of Elections (ELECT) was Edgardo Cortés,
8 Commissioner; Elizabeth Howard, Deputy Commissioner; and Rose Mansfield, Clerk.
9 Kristina Stoney, Senior Assistant Attorney General and Counsel to SBE and ELECT
10 attended. Chairman Alcorn called the meeting to order at 10:00AM.

11 The first order of business was the approval of the Minutes from the State Board
12 of Elections Board Meetings held on May 13, 2015 and June 9, 2015. Chairman Alcorn
13 asked if Board Members had any additions or corrections to the Board Meeting Minutes
14 presented and there were none. Secretary McAllister moved to adopt the Minutes for the
15 May 13, 2015 and June 9, 2015 Board Meetings. Vice Chair Wheeler seconded the
16 motion and the Board unanimously approved the Minutes.

17 The second order of business was the Commissioner Report delivered by
18 Commissioner Cortés. Commissioner Cortés introduced Reiko Doğu. Ms. Doğu accepted
19 a position with ELECT as the Senior Elections Administrator. Commissioner Cortés
20 stated that Taylor Melton, Governor’s Fellow, has been assigned to ELECT for the
21 summer. Additionally, Aaron Colby and Jacob Kipp have joined ELECT as interns. The
22 entire ELECT team extended a warm welcome to the new team members.

23 Commissioner Cortés stated that election night reporting for the primary was
24 successful. The new reporting system was the focus of the IT team and the results
25 yielded a successful night of results being posted in a timely and effective manner.
26 Commissioner Cortés congratulated Matt Davis, ELECT CIO, and the entire ELECT
27 team for their efforts on the election night reporting program. SBE Board Members echo
28 the praise to the IT team for their work on the election night reporting program and the
29 success they experience on primary election night.

30 Commissioner Cortés stated that the voter registration form is in the public
31 comment period through July 15, 2015. ELECT will be issuing some clarifying notes to

32 address the concerns of the general registrars and members of the general public. Those
33 notes will be shared with board members and will be posted on Regulatory Town Hall.
34 Commissioner Cortés asked if there were any questions.

35 Vice Chair Wheeler stated that the voter registration form suggested changes are
36 significant. Vice Chair Wheeler stated that the registrars' have numerous questions and
37 concerns about the changes. Vice Chair Wheeler suggested that the issue be addressed
38 during annual training in July. Vice Chair Wheeler requested that the comment period for
39 the voter registration form be extended until after annual training to allow additional
40 input from the general registrars'. Chairman Alcorn and Secretary McAllister expressed
41 support of Vice Chair Wheeler's request. Commissioner Cortés stated that at the boards'
42 request the comment period for the voter registration form would be extended until
43 Monday, August 3, 2015. Vice Chair Wheeler moved *that the open comment period for*
44 *the voter registration form be extended to August 3, 2015.* Secretary McAllister seconded
45 the motion and without public comment the Board unanimously approved the motion.

46 The next order of business was the Legal Report presented by Kristina Stoney,
47 Senior Assistant Attorney General. Ms. Stoney stated that she and the Commissioner
48 attended the Virginia Freedom of Information Advisory (FOIA) Council subcommittee
49 on meetings. The FOIA council is reviewing exemptions. The exemption for the Board to
50 enter into closed session to discuss voting equipment security matters was discussed.
51 ELECT explained how the exemption was utilized for the WinVote decertification. The
52 FOIA council expressed satisfaction with ELECT's protocol regarding closed sessions to
53 discuss voting equipment security. Ms. Stoney asked if there were questions or
54 comments and there were none.

55 The next order of business listed under "Old Business" was the Complaint against
56 Mike McHugh presented by Brooks Braun, ELECT Policy Analyst. Mr. Braun stated that
57 the Commonwealth Attorney Office in Warren County was contacted regarding Mr.
58 McHugh and ELECT has received a response indicating that they would not be pursuing
59 the matter regarding Mr. McHugh. ELECT recommends that SBE replicates the Warren
60 County decision by taken no further action. The Board Members accepted the
61 recommendation of ELECT.

62 The first order of business under “New Business” was the Primary Election
 63 Certification, June 9, 2015, presented by Gary Fox, ELECT Supervisor and Reiko Doğu,
 64 Senior Elections Administrator. Mr. Fox explained the process and the applicable code
 65 section, §24.2-679. Mr. Fox and Ms. Doğu presented the abstracts to board members and
 66 the certificates of elections were signed by board members. Mr. Fox provided an
 67 equipment update regarding election night reporting as it relates to the certification
 68 process. Chairman Alcorn directed ELECT to send a letter to those localities that
 69 prepared for the Election Day and experienced superior success levels congratulating
 70 them on a “Job well done.” Secretary McAllister asked if the voter turnout numbers were
 71 available for the primary election. Mr. Fox stated that those numbers had not been posted.
 72 Mr. Davis stated that the report would be issued as a result of completing the certification
 73 process. Vice Chair Wheeler moved *that the Board certify the results of the June 9, 2015*
 74 *primary elections in the Commonwealth.* Secretary McAllister seconded the motion and
 75 without public comment the Board unanimously approved the motion.

76 The next order of business was the Ballot Drawings presented by Gary Fox,
 77 ELECT Supervisor. Mr. Fox stated that the process is directed by *Virginia Code* §24.2-
 78 613. Mr. Fox stated that the SBE Clerk, Rose Mansfield would record the drawings for
 79 the official record. The following ballot order for the November 3, 2015 election:

80 Party Candidates:

- 81 ❖ Democrat
- 82 ❖ Republican

83 Independent Party Candidates:

- 84 ❖ Libertarian
- 85 ❖ Independent Green
- 86 ❖ Green

87 Mr. Fox noted that the Independent candidates would be listed by alphabetical order by
 88 last name. Vice Chair Wheeler moved *that the Board certify the draw for the ballot*
 89 *positions as conducted by board members.* Secretary McAllister seconded the motion and
 90 without public comment the Board unanimously approved the motion.

91 The next order of business was the 2016, Presidential Primary Candidate Bulletin
 92 presented by Gary Fox, ELECT Supervisor. Mr. Fox stated that the bulletin is directed

93 by *Virginia Code* §24.2-544(B). Mr. Fox explained the materials and the dates listed on
94 the bulletin for review and approval by board members. Vice Chair Wheeler asked: “If
95 the parties decided to conduct a firehouse primary are the dates still applicable as
96 presented in the bulletin?” Mr. Fox referred to Brooks Braun, ELECT Policy Analyst,
97 who replied: “The dates are for the state run primary. If a party decides a different route
98 for their primary the party would notify ELECT for placement on the ballot after their
99 nomination period is conducted.” Chairman Alcorn asked if there were any public
100 comments.

101 Theresa Martin, League of Women Voters, approached the podium. Ms. Martin
102 inquired if the registration deadline listed on the bulletin was accurate. SBE Board
103 Members consulted with ELECT staff and it was determined that the voter registration
104 deadline for the presidential primary would be February 9, 2016. Secretary McAllister
105 stated:”It is important to create clear and concise documents that are transparent and that
106 citizen’s can understand the dates associated to an election.” Commissioner Cortés stated
107 that the document would be edited before placement on the website. Chairman Alcorn
108 asked if there were additional public comments and there were none.

109 Chairman Alcorn moved *that the Board adopt the Presidential Primary Candidate*
110 *Bulletin deadlines on the first page of the document and directed the Commissioner to*
111 *reevaluate the additional dates set by statute.* Secretary McAllister seconded the motion
112 and without further public comment the Board unanimously approved the motion.

113 The next order of business was the Update of Election Day Forms and Posters
114 presented by Myron McClees, ELECT Policy Analyst. Mr. McClees stated that the
115 provisional ballot envelopes require edits/changes and explained the requested change as
116 a misprint of the Virginia Government Data Collection and Dissemination Practices Act
117 verses the [Support Act]. Mr. McClees stated that the “Prohibited Area and Activities”
118 poster requires a change as a result of legislation that has taken place regarding “Who
119 may have representatives in the polling place?” The poster states the requirements and
120 additional guidance will be sent to the field. Mr. McClees stated that the “Voter Rights
121 and Responsibilities” poster contains changes that resulted when the agency became the
122 Department of Elections verses the State Board of Elections. Chairman Alcorn asked if
123 there were any public comment and there were none. Chairman Alcorn moved *that the*

124 *Board adopt the suggested changes to the Provisional Vote Envelope, Provisional Vote*
125 *Envelope-ID ONLY, Voter Rights and Responsibilities poster, and Prohibited Area and*
126 *Activities poster.* Vice Chair Wheeler seconded the motion and the Board unanimously
127 approved the motion.

128 The next order of business was the Voting Equipment Certification presented by
129 Eugene Burton, Voting Technology Specialist. Mr. Burton provided the background for
130 the Unisyn OpenElect Version 1.3 voting systems and stated that the Unisyn voting
131 system 1.2 is currently certified for use in the Commonwealth. Mr. Burton stated that the
132 system was successfully piloted in an election in Rockingham County on June 23, 2015
133 and that the system has completed the Virginia State Certification process. Chairman
134 Alcorn asked if there were any public comments and there were none. Chairman Alcorn
135 moved *that the Board certify Unisyn Voting Solutions OpenElect Version 1.3 voting*
136 *systems for use in elections in the Commonwealth of Virginia, pursuant to the State*
137 *Certification of Voting Systems: Requirements and Procedures.* Vice Chair Wheeler
138 seconded the motion and the Board unanimously approved the motion.

139 The next order of business was the 2015, Absentee Ballot Application and
140 Regulation Update presented by Elizabeth Howard, Deputy Commissioner. Ms. Howard
141 stated that legislative updates were required. This requirement prompted ELECT to
142 streamline the application form. Ms. Howard stated that the proposal revised form would
143 reduce the form from four pages to two pages. Ms. Howard explained the proposed
144 changes to the Board Members and stated that the recommendations of the Absentee
145 Ballot Workgroup were considered. Ms. Howard stated that revisions to the regulations
146 were based on *Virginia Code*. Ms. Howard requested that the Board approve publishing
147 the Department's proposed revisions to the absentee ballot application form and draft
148 regulations for a 30 day public comment period. Chairman Alcorn asked if there were
149 any questions.

150 Vice Chair Wheeler stated that the public comment period should be extended to
151 cover the annual training event. Martha Brissette, ELECT Policy Analyst, stated that the
152 30 day period would end on August 13, 2015 and would cover any discussions held at the
153 annual training. Secretary McAllister stated that the public comments will be valuable to
154 the Board Members. Chairman Alcorn asked for an explanation to the immaterial

155 omissions and the absence of supporting documentation. Ms. Howard provided an
156 explanation. Chairman Alcorn requested the input of counsel. Ms. Stoney stated that this
157 regulatory proposal is exempt from Administrative Process Act (APA). Vice Chair
158 Wheeler requested that the Ms. Stoney review the changes before placing on Regulatory
159 Town Hall for public comment. Secretary McAllister stated: “I would feel more
160 comfortable if I knew that a regulation being placed out for public comment was not in
161 violation of *code*.” Chairman Alcorn and Vice Chair Wheeler agreed with Secretary
162 McAllister’s statement. Chairman Alcorn asked if there were additional comments or
163 questions and there were none.

164 The next order of business was the Final Approval of Amended Delegation
165 Regulations presented by Martha Brissette, ELECT Policy Analyst. Ms. Brissette
166 stated that ELECT is requesting three changes; (i) approve staff’s proposed regulations
167 conforming to 2013 legislation naming the Commissioner of Elections agency head,
168 (ii) delegate to the Department of Elections responsibility for the drawing to determine
169 ballot order in special elections; and (iii) delegate to the Commissioner, authority to
170 determine when changes to forms, instructions and guidance documents require Board
171 approval. Vice Chair Wheeler requested additional time to review the materials
172 presented to the Board under section one and suggested that this agenda item be
173 presented at the next board meeting. Ms. Brissette explained the standard operating
174 procedures in section two to board members. Chairman Alcorn asked: “Who would
175 pull the ballot order if this tasking is delegated to ELECT?” Commissioner Cortés
176 replied: “Either the Commissioner or the Deputy Commissioner of ELECT.” Vice
177 Chair Wheeler requested additional time to review this matter. Ms. Brissette explained
178 the third section to board members and how the changes would impact SBE.
179 Chairman Alcorn asked that specific examples and associated language be provided to
180 board members before making a decision. Ms. Brissette thanked board members for
181 their time and future consideration of these matters.

182 The next order of business was the Other Business and Public Comment
183 period. Commissioner Cortés asked that the Board allow a change on the Absentee
184 Ballot Application to conform to legislation that will take place on July 1, 2015.
185 Commissioner Cortés stated that in the instruction section 5(A), religious obligation,

186 that currently (under supporting information) requires the nature of the obligation.
187 Under the new legislation supporting information is not required. Vice Chair Wheeler
188 moved *that the Commissioner request to strike the supporting information on the*
189 *religious obligation on the absentee ballot be permitted to support recent legislation.*
190 Secretary McAllister seconded the motion and without public comment the Board
191 passed the motion unanimously. Chairman Alcorn asked if there were any public
192 comments.

193 Michelle Kanter Cohen, Project Vote Election Counsel, approached the
194 podium. Ms. Cohen stated that moving the signature line to the bottom of the proposed
195 voter registration form is commendable. Ms. Cohen stated that Project Vote believes
196 that this will result in fewer rejections of eligible applicants because of administrative
197 errors. Chairman Alcorn asked if there were any additional public comments.

198 Theresa Martin, Virginia League of Women Voters, approached the podium.
199 Ms. Martin stated the league is please to hear that the Board Members are concerned
200 that all eligible citizens of the Commonwealth will be able to vote. Ms. Martin stated
201 that regarding the on-line voter registration training it would be beneficial if the
202 training module contained print capability for trainees' to utilize for validation of
203 training. Chairman Alcorn asked if there were any additional public comments.

204 Olga Hernandez, Virginia League of Women Voters, approached the podium.
205 Ms. Hernandez stated that the posting of the Board Working Papers, to the website,
206 was extremely beneficial and thanked the Board Members for this action as it creates
207 transparency. Chairman Alcorn acknowledged the Clerk, Rose Mansfield, for the
208 initiation and maintenance of the process. Chairman Alcorn asked if there were any
209 additional public comments and there were none.

210 Chairman Alcorn moved *that the Board adjourn*. Vice Chair Wheeler seconded
211 the motion and without further comment the Board voted unanimously to adjourn. The
212 meeting was adjourned at approximately 12:20PM.

213 The Board shall reconvene on July 28, 2015 at 8:00AM in the Double Tree by
214 Hilton, 1021 Koger Center Boulevard, Richmond, Virginia 23235.

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218 Secretary

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221 Chair

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224 Vice Chair

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1 MINUTES

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3 The State Board of Elections Board Meeting was held on Tuesday, October 6,
4 2015. The meeting was held in the General Assembly Building, Richmond, Virginia –
5 Room D. In attendance, representing the State Board of Elections (SBE) was James
6 Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary.
7 Also in attendance, representing the Department of Elections (ELECT) was Edgardo
8 Cortés, Commissioner; Brooks Braun, ELECT Policy Analyst; and Rose Mansfield,
9 Clerk. Heather Hays Lockerman, Senior Assistant Attorney General and Counsel to SBE
10 and ELECT and Anna Birkenheier, Assistant Attorney General and Counsel to SBE and
11 ELECT attended. Chairman Alcorn called the meeting to order at 2:00PM. Secretary
12 McAllister departed the meeting at 6:20PM.

13 The first order of business was the approval of the Minutes from the State Board
14 of Elections Board Meeting held on September 1, 2015. Chairman Alcorn asked if Board
15 Members had any additions or corrections to the Board Meeting Minutes presented and
16 there were none. Secretary McAllister moved *to adopt the Minutes for the September 1,*
17 *2015 meeting.* Vice Chair Wheeler second the motion. The Board unanimously approved
18 the motion.

19 The second order of business was the Commissioner Report. Commissioner
20 Cortés stated that the electronic pollbook certification (EPB) process is occurring at the
21 ELECT offices. The Virginia Information Technologies Agency (VITA) has begun their
22 vulnerability testing on the systems submitted for certification. Commissioner Cortés
23 stated that ELECT provided to the localities reimbursements for accessibility voting
24 equipment for their central absentee voting precincts noting that 47 localities applied for
25 the resources and qualified for a total of reimbursement of \$165,000. Commissioner
26 Cortés stated that emergency requests for changing polling locations have been approved
27 by ELECT and the general registrar's are following their protocol for notifying their
28 voters of those changes.

29 Commissioner Cortés stated that there have been late candidate withdraws for the
30 November 3, 2015, election and withdraws occurred, after the ballots were printed.
31 Notices were sent with absentee ballots and posted and will be handed to voters on

32 Election Day. Commissioner Cortés stated that Mecklenburg County had a candidate
33 withdraw after four absentee ballots were cast and asked board members for guidance on
34 a resolve. Ms. Birkenheier stated that §24.2-612.1 states that the Board does have
35 authority to decide in the situation were a candidate withdraws. Chairman Alcorn stated
36 that since the locality had not printed the ballots to be utilized on Election Day the
37 candidate name, who withdrew late, will be removed from the ballot. Vice Chair Wheeler
38 moved *that Mecklenburg County update their ballots to reflect the removal of the*
39 *candidate from the school board office for in-person voting.* Secretary McAllister
40 seconded the motion and the Board unanimously approved the motion.

41 The next order of business was the Recount Standards for final approval presented
42 by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated that the recount
43 document has been removed of redundant information and now presents with clarity on
44 the procedures of how to conduct a recount. Commissioner Cortés acknowledged the
45 efforts of Myron McClees, ELECT Policy Analyst for his efforts on the presented
46 materials. Commissioner Cortés stated that the information was originally presented at
47 the September 1, 2015, SBE meeting to members and the objective is to have the
48 document adopted, at this meeting, to be available for the November 3, 2015, election.

49 Vice Chair Wheeler asked if the document could be sent to the general registrars
50 for review prior to the election and before the Board members take a vote on adoption of
51 the document. Commissioner Cortés stated that the document was posted on the website
52 prior to the September 1, 2015, meeting and has remained for available for review.
53 Chairman Alcorn inquired if comments had been received by ELECT from the elections
54 community. Commissioner Cortés stated that ELECT did not receive comments
55 regarding the proposed recount document. Secretary McAllister noted that the process of
56 conducting a recount is important, and a review of the document indicates it is a good
57 document, however: it is always important to have the review of those individuals who
58 will be utilizing the materials in the event of a recount. Vice Chair Wheeler stated that
59 notice should be sent to the general registrars requesting a review of the document with a
60 firm deadline for review established. Chairman Alcorn confirmed with the clerk and the
61 commissioner that the materials have been posted for review prior to the meeting.
62 Chairman Alcorn stated that comments have not been received and a delay would lead to

63 a period of uncertainty regarding procedures for recounts. Commissioner Cortés review
64 the posting procedures for all board materials and the time frames for which materials are
65 available for review. Public comments were received. Vice Chair Wheeler moved *that a*
66 *directive be sent to all general registrar’s and electoral board members stating that the*
67 *recount standards have been presented to the State Board of Elections and have been*
68 *reviewed and posted on the website and if you would like to make comments, please do*
69 *so, because: the Board members will take a final vote at the next appropriate board*
70 *meeting.* Vice Chair McAllister second the motion. A voice roll vote was taken:
71 Chairman Alcorn: Nay, Vice Chair Wheeler: Yae, and Secretary McAllister: Yae. The
72 motion passed two to one.

73 The next order of business was the Hand Count Standards for Final Approval
74 presented by Commissioner Cortés. Commissioner Cortés stated that issue of hand
75 counting ballots has become more frequent with localities transitioning to paper ballots
76 after the WinVote decertification. Commissioner Cortés reviewed the Hand Count
77 document provided in the Board Working Papers, stating that the document has not been
78 revised since 2007. ELECT has revised the document to increase legibility and ease of
79 use. Commissioner Cortés stated that the materials included an example of a ballot where
80 the voter has written in the name of an individual whose name is printed on the ballot and
81 marked that same candidates name as their selection. This scenario has occurred and has
82 come into question during recent recounts and is included in the example of ballots that
83 would be counted. Commissioner Cortés stated that this example requires a policy
84 decision by board members.

85 Chairman Alcorn stated that it is important to be clear on procedures to be utilized
86 in a recount and the direction that localities are provided during hand counts on Election
87 Day. Chairman Alcorn stated that *Code* does not state how to handle the example
88 presented. Vice Chair Wheeler stated that it is important to follow the *Code*, §24.2-644
89 regarding write-ins. Vice Chair Wheeler stated that the *Code* states that no ballot shall
90 be counted when the voter writes-in the name of a person that is printed on the ballot.
91 Commissioner Cortés explained the different ways the example provided would be
92 handled during a hand count or recount. ELECT staff and the Board Members reviewed
93 the different examples in the hand count document and the particulars associated to each

94 of the examples in detail. Secretary McAllister stated that it is important to follow the
95 *Code* and the intent of the voter and it is important that the Board Members provide solid
96 guidance.

97 Secretary McAllister inquired about the incident in 2013, concerning Alexandria
98 and Chesapeake. Commissioner Cortés explained that those localities do not have
99 equipment, which in a recount situation, will count only the race in question which is a
100 *Code* requirement. In this scenario, a hand count must occur during the recount.
101 Commissioner Cortés stated that the issue of equipment limitations is not a new topic but
102 rather identifying the situation so that in the event of a recount that requires a handcount
103 the document presented could provide guidance. Commissioner Cortés stated that
104 anytime a handcount would occur the recount document would be utilized pending board
105 approval. The Board received input from attending general registrars. Chairman Alcorn
106 asked if there were public comments and comments were received by the Board.

107 Chairman Alcorn moved *that the last ballot sample on page six of the Hand*
108 *Count Standards proposed document be stricken from the document and directed ELECT*
109 *to letter and number each of the examples.* Vice Chair Wheeler seconded the motion and
110 the Board unanimously approved the motion. Chairman Alcorn moved *that the amended*
111 *Hand Count Standards document be adopted for use in the Commonwealth.* Secretary
112 McAllister seconded the motion and the Board unanimously approved the motion.
113 Chairman Alcorn stated that the ballot sample on page six should be presented to board
114 members at a future date.

115 The next order of business was a Pre-Election Update presented by Commissioner
116 Cortés. Commissioner Cortés stated that absentee voting has begun for the November 3,
117 2015, general election. Commissioner Cortés stated that two localities experienced an
118 issue relating to their absentee ballots and the general registrars of those localities have
119 connected with those voters to inform them of the resolve. Commissioner Cortés
120 explained a map provided in the Board Working Papers that identifies the localities that
121 are in transition either with a new registrar or are currently operating without a general
122 registrar. ELECT has been working with those localities to ensure that they are prepared
123 for the November election by providing training and support. ELECT will be offering a
124 one day training event for those registrars on October 22, 2015, with a focus of Election

125 Day issues. Commissioner Cortés stated that ELECT has been working with our Election
126 Day partners; Virginia State Police, Capitol Police, Virginia Department of
127 Transportation, and The Department of Mines of Minerals (Power Companies). Chairman
128 Alcorn asked about the two localities that had issues with the absentee ballots and asked
129 that the two associated electoral boards explain to SBE the particulars of their incident.
130 Commissioner Cortés stated that the two localities with absentee ballot issues were
131 Winchester City and Virginia Beach City. Chairman Alcorn moved *that Winchester City
132 and Virginia Beach City provide information to SBE concerning the causes of not
133 meeting the statutory requirements for sending absentee ballots and for providing
134 information for their plan to be proactive in the future.* Vice Chair Wheeler seconded the
135 motion and the Board unanimously approved the motion.

136 The next order of business was the Protocol for handling Campaign Finance
137 Complaints presented by Brooks Braun, ELECT Policy Analyst. Mr. Braun presented a
138 power-point presentation on the subject matter and explained the basics of campaign
139 finance complaints and how they are received by ELECT and when they are presented to
140 the Board. Mr. Braun explained that the Board approves campaign finance forms, hears
141 appeals when penalties have been assessed, and has the ability to extend campaign filing
142 deadlines. Mr. Braun explained the nuances of the fines and how they are assessed.
143 Board Members exchanged questions and answers regarding the particulars of campaign
144 finance. Mr. Braun explained that the third party complaints are directed to the local
145 commonwealth attorney under the authority of §24.2-1019. Mr. Braun explained the
146 frequency of complaints received by ELECT. Mr. Braun stated that it has been a long
147 standing policy of the Board to hear complaints after the election as the Board historically
148 does not want to be involved in any election contests. Mr. Braun explained the procedure
149 for conducting a hearing for campaign complaints. Mr. Braun asked if the Board
150 Members had any questions.

151 Secretary McAllister stated that the option to hear complaints before an election
152 should be a decision that the current board members can decide and should be
153 considered. Chairman Alcorn stated that balancing the need to be responsive to
154 complaints and maintaining a non-partisan approach would require some discussion
155 among board members and a decision on future actions. Chairman Alcorn stated that the

156 Board Members will revisit this concern at a future meeting. Secretary McAllister stated
157 that researching the best practices of other state election boards could provide in-sight to
158 future handling of complaints by SBE. Vice Chair Wheeler suggested that an approach to
159 hearing complaints prior to an election would be to receive the details of the complaint
160 with the name(s) redacted. Chairman Alcorn directed Mr. Braun to send the members the
161 complaints, with the names redacted, to the members and stated that there is a desire to
162 review the entire process by SBE. Chairman Alcorn asked that some historical data be
163 gathered and a data base be established to handle future complaints.

164 The next order of business was the Request for Full-Time Status for Bath and
165 King & Queen Counties presented by Commissioner Cortés. Commissioner Cortés stated
166 that the Virginia Budget authorizes and funds general registrars with a population in most
167 counties under 10,000 and cities under 7,500 to work on a part-time basis for most of the
168 year. The budget does provide funding for the registrars to be compensated to work full-
169 time for the months surrounding each year's May General Election (March through
170 May), the Budget does not account for other elections, including local elections and
171 primaries. The request from the Bath County Electoral Board is for the period of January
172 1, 2016 through April 30, 2016. The request from the King & Queen Electoral Board is
173 for the period of January 1, 2016 through February 29, 2016. Chairman Alcorn moved
174 *that the Board approve the requests from the Electoral Boards of the Counties of Bath*
175 *and King & Queen.* Vice Chair Wheeler seconded the motion. Chairman Alcorn asked if
176 there were any public comments and there was none. The Board unanimously approved
177 the motion.

178 The next order of business was the Other Business and Public Comment
179 period. Vice Chair Wheeler stated that she received numerous communications
180 regarding the use of electronic typed names on absentee ballot requests. Vice Chair
181 Wheeler stated that she was concerned about this issue that SBE reviewed and
182 approved in May, 2015. Chairman Alcorn stated that the Board should not take action
183 on this issue, this close to the election, without listing the item on the agenda, and or
184 without given public notice. Secretary McAllister stated that she concurred about not
185 taken any action for the same reasons cited by the Chairman. SBE discussed the
186 particulars of this subject matter and stated that the subject should be revisited at a

187 future meeting. Commissioner Cortés stated that ELECT has been following the
188 directives given by the Board since May, 2015. Commissioner Cortés stated that
189 ELECT has not been notified or been made aware of any situation were an electronic
190 absentee ballot application has been submitted with the intent of fraud. Commissioner
191 Cortés stated that making any changes half-way through the absentee ballot period
192 would not be responsible. Chairman Alcorn asked if there were any public comments.
193 General Public comments were received by the Board.

194 Discussion returned to the Board Members regarding electronic signatures on
195 absentee ballot applications. Commissioner Cortés reviewed the requirements for
196 processing an absentee application electronically and stated that the process that is in
197 place for verifying electronic absentee ballot requests is functioning. Commissioner
198 Cortés stated that ELECT was currently working to provide an online absentee ballot
199 application process utilizing the ELECT website. Vice Chair Wheeler stated that a
200 resolution to the typed signature question should occur at this board meeting.
201 Chairman Alcorn stated that the process could be improved; however I am concerned
202 about enacting any changes today without input from the elections community.
203 Commissioner Cortés stated that ELECT will present information at a post-election
204 SBE meeting regarding suggested changes to the electronic absentee application
205 request program/process. Board members welcomed the presentation of future
206 information from ELECT. Chairman Alcorn asked if there were additional comments
207 and there were none.

208 Vice Chair Wheeler moved *that the Board adjourn*. Chairman Alcorn seconded
209 the motion and without further comment the Board voted unanimously to adjourn. The
210 meeting was adjourned at approximately 7:40PM.

211 The Board shall reconvene on November 3, 2015 at 8:00AM in the Washington
212 Building, 1100 Bank Street, Room B27, Richmond, Virginia 23219.

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Secretary

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Chair

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Vice Chair

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1 MINUTES

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3 The State Board of Elections Board Meeting was held on Monday, November 16,
4 2015. The meeting was held in the General Assembly Building, Richmond, Virginia –
5 Room C. In attendance, representing the State Board of Elections (SBE) was James
6 Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary.
7 Also in attendance, representing the Department of Elections (ELECT) was Edgardo
8 Cortés, Commissioner; Elizabeth Howard, Deputy Commissioner; Martin Mash, Policy
9 Advisor, Brooks Braun, ELECT Policy Analyst; and Rose Mansfield, Clerk. Heather
10 Hays Lockerman, Senior Assistant Attorney General and Counsel to SBE and ELECT
11 and Anna Birkenheier, Assistant Attorney General and Counsel to SBE and ELECT
12 attended. Chairman Alcorn called the meeting to order at 1:10PM.

13 The first order of business was the approval of the Minutes from the State Board
14 of Elections Board Meeting held on October 6, 2015. Chairman Alcorn asked if Board
15 Members had any additions or corrections to the Board Meeting Minutes presented and
16 there were none. Secretary McAllister moved *to adopt the Minutes for the October 6,*
17 *2015 meeting.* Vice Chair Wheeler second the motion. The Board unanimously approved
18 the motion. Chairman Alcorn noted that the review of minutes from the November 3,
19 2015, meeting would be passed to the December 16, 2015, SBE meeting.

20 The second order of business was the Commissioner Report. Commissioner
21 Cortés stated that ELECT launched an on-line absentee ballot application function on the
22 citizens' portal – ELECT website two weeks prior to the absentee ballot request deadline.
23 Commissioner Cortés stated that during that period 16% of the ballots requested were
24 completed by utilizing the citizens' portal. Commissioner Cortés stated that election night
25 reporting on-line worked flawlessly and over 25 million views were recorded to the
26 website. Commissioner Cortés stated that ELECT has been working on in-house software
27 for the electronic pollbook (EPB) solution to replace the vendor supported state solution
28 and the initial testing was successful.

29 The next order of business was the Recount Step by Steps – Final Approval
30 presented by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated per
31 the board members request the document was sent to the general registrars and the

32 electoral board members for comment via email. Commissioner Cortés stated that no
33 comments were received at ELECT. Commissioner Cortés requested that the Board give
34 final consideration to the Recount Step by Steps document. Chairman Alcorn inquired if
35 members had any comments on the substance of the document presented and there were
36 none. Chairman Alcorn asked if there was any public comment and there were none. Vice
37 Chair Wheeler moved *that the Recount Step by Steps document as presented be*
38 *approved*. Secretary McAllister seconded the motion and the Board unanimously
39 approved the motion.

40 The next order of business was the Certification of the November 3, 2015, general
41 election presented by Reiko Doğu, Senior Elections Administrator. Ms. Doğu explained
42 the process and the applicable code section, §24.2-679A. Ms. Doğu presented the
43 abstracts to board members and the certificates of elections were signed by board
44 members. Chairman Alcorn asked ELECT to provide an overview of the events of
45 election day.

46 Gary Fox, Elections Supervisor stated there were voting equipment issues in the
47 Commonwealth. Mr. Fox reported that Greene, Washington, Wise, Halifax, and Amherst
48 counties and Norfolk City had voting equipment issues. Mr. Fox noted electronic
49 pollbook issues in Richmond City. Mr. Fox stated that as a result the City of Richmond
50 may have issued the wrong ballot to some voters. Campbell County ran short of ballots in
51 the morning and the vendor, who was on-site, provided a pdf to resolve the issue. Mr.
52 Fox stated that some election officers require additional training on voter identification
53 guidelines and program. Mr. Fox reported that there are canvassing issues among some
54 electoral board members related to how to complete the process. Additional issues related
55 to how to handle the large amount of write-in candidates in some of the localities. Mr.
56 Fox reported that there are no state-wide recounts. Commissioner Cortés thanked the
57 ELECT team for their work related to the election and the certification process.
58 Commissioner Cortés stated that the two localities: Winchester and Virginia Beach Cities
59 were present to discuss their experiences with delivery absentee ballots on time.
60 Commissioner Cortés stated that ELECT will be sending a survey to the localities
61 regarding equipment issues and the findings will be presented at the next board meeting.
62 Chairman Alcorn requested that ELECT included Electronic Pollbook (EPB) questions

63 and rules on regulations that the registrars did not understand on the survey to the
64 localities. Chairman Alcorn asked if a representative from Winchester City was present at
65 the board meeting.

66 Liz Martin, Winchester City General Registrar, approached the podium. Ms.
67 Martin stated that her locality had four late absentee ballots that did not go to the voters
68 the week prior to being sworn-in as general registrar. Ms. Martin stated that the problem
69 was caused by a misprint. The remedy is that a pdf of the proofed ballot could have been
70 used as an attachment for the two ballots associated to the request of military members.
71 Vice Chair Wheeler inquired about the Winchester City Electoral Board; knowing the
72 date, of needing to fill the position of general registrar. Ms. Martin stated that the prior
73 general registrar retired on June 30, 2015. Ms. Martin added that her office is absent a
74 deputy general registrar and the hiring process is underway. SBE members thanked Ms.
75 Martin for her efforts as a newly appointed general registrar and for coming to the
76 meeting. Chairman Alcorn asked if a representative from Virginia Beach was present at
77 the board meeting.

78 Donna Patterson, Virginia Beach General Registrar, approached the podium. Ms.
79 Patterson stated that her locality had 13 ballot styles for the general election and believed
80 that our locality had met the deadlines. Ms. Patterson stated that on the next business day
81 the office noticed an administrative error. Ms. Patterson stated that 35 voters received the
82 wrong ballot style. Ms. Patterson stated that her electoral board members were
83 immediately contacted and an action plan was developed to include notifying ELECT
84 about the situation. Ms. Patterson stated that her remedy and lesson learned was to
85 complete the reconciliation administrative process prior to mailing the absentee ballots.
86 SBE members thanked Ms. Patterson for attending the meeting and explaining the
87 lessons learned.

88 Chairman Alcorn moved *that the Board certify the results of the November 3,*
89 *2015 general elections as presented in the Commonwealth.* Vice Chair Wheeler seconded
90 the motion and without public comment the Board unanimously approved the motion.

91 Chairman Alcorn moved *that the Board recess at 4:05PM.* Secretary McAllister
92 seconded the motion and without further comment the Board voted unanimously to

93 recess. Chairman Alcorn moved that the Board reopen the meeting at 4:20PM. Secretary
94 McAllister seconded the motion. The Board unanimously approved the motion.

95 The next order of business was the Voting Systems Certification presented by
96 Eugene Burton, ELECT Voting Technology Specialist. Mr. Burton stated that the
97 Dominion Voting Systems Democracy Suite 4-14-E voting system was ready for
98 certification for use in election in the Commonwealth. Mr. Burton stated that SBE was
99 provided with the test report and the technical data package was in their working papers.
100 Mr. Burton stated that upon agreement with the test plan, the evaluation was conducted
101 on October 13, 2015 through October 14, 2015, in the Department of Elections offices in
102 Richmond, Virginia. In addition, the system was successfully piloted during an election
103 in Bedford County on November 3, 2015. Mr. Burton stated that the Dominion Voting
104 Systems Democracy Suite 4-14-E voting system successfully completed Virginia State
105 Certification. Chairman Alcorn moved *that the Board certify Dominion Voting Systems*
106 *Democracy Suite 4-14-E voting systems for use in elections in the Commonwealth of*
107 *Virginia, pursuant to the State Certification of Voting Systems: Requirements and*
108 *Procedures*. Vice Chair Wheeler seconded the motion. Chairman Alcorn asked if there
109 was public comment and there was none. The Board unanimously approved the motion.

110 The next order of business was the update on electronic pollbooks presented by
111 Susan Lee, Director of Compliance and Administration. Ms. Lee stated that Virginia
112 Information Technologies Agency (VITA) is conducting vulnerability and penetration
113 scans on four systems currently undergoing the certification process for use in the
114 commonwealth. ELECT has been receiving the reports as the testing occurs and is
115 reviewing the information as it becomes available. ELECT staff is analyzing the
116 information before the consideration of approval is made to SBE. Ms. Lee provided an
117 update and overview of the four systems being tested. Secretary McAllister asked if any
118 of the localities are waiting on a decision from ELECT before purchasing the pollbooks.
119 Ms. Lee stated that two localities: Fairfax County and City of Richmond were awaiting
120 approval. Secretary McAllister asked if any of the localities were present and wanted to
121 comment. Cameron Sasnett, General Registrar of Fairfax County; Kate Hanley, Electoral
122 Board Secretary of Fairfax County; Kirk Showalter, General Registrar of Richmond City;

123 Abel Freewalt, KnowINK vendor representative and David Styles, lobbyists
124 representative provided comment.

125 Ms. Lee stated that the completed reports will be presented at the next board
126 meeting, December 16, 2015 for consideration. Bob Baskette, VITA representative,
127 assured the board members that the data that Ms. Lee's team required to complete the
128 process would be delivered in time for consideration at the next board meeting. Chairman
129 Alcorn requested that when the testing summary reports are received by ELECT that
130 those reports are released to interested parties and the public for consumption. Vice
131 Chair Wheeler left the meeting at 5:00PM and returned at 6:15PM.

132 The next order of business was the SB11 Workgroup update provided by
133 Chairman Alcorn. Chairman Alcorn stated SB11 relates to the electronic return of
134 absentee ballots for active duty military stationed overseas. The workgroup has been
135 meeting over the last couple of months and a draft final report has been provided to SBE.
136 The recommendations of the workgroup will be sent to the general assembly and the
137 governor's office. Chairman Alcorn stated that the workgroup has been discussing the
138 risks and the costs associated with SB11. Chairman Alcorn stated that the final report
139 would be presented by the workgroup at the December 16, 2015, SBE meeting.
140 Commissioner Cortés thank ELECT staff for their support and efforts of the workgroup.

141 The next order of business was the Campaign Finance Violations reports
142 presented by Brooks Braun, ELECT Policy Analyst. Mr. Braun stated that the first Stand
143 by Your Ad complaint was for Sara Ward. Mr. Braun explained the materials associated
144 to the complaint and the disclaimer violation associated to the materials. Mr. Braun stated
145 that staff recommends that SBE should find that Vote Sara Ward has violated the
146 provisions of the Stand by Your Ad and should fine her campaign accordingly in an
147 amount not to exceed \$1000.00. Chairman Alcorn asked if the candidate was present and
148 wished to speak on the issue before the board. Ms. Ward approached the podium. Ms.
149 Ward stated that she was informed of the error and changes were made to the language
150 immediately to conform to the statute. Chairman Alcorn stated that historically a first time
151 offense has a penalty of \$100.00 assessed to the candidate and requested that Mr. Braun
152 document this pattern for constituency. Chairman Alcorn moved *that SBE assess a civil*

153 *penalty of \$100.00 to the Vote Sara Ward campaign.* Secretary McAllister seconded the
154 motion and without further comment the board unanimously approved the motion.

155 The next order of business was the campaign violation for Friends of Mike
156 McMenamin. Mr. Braun stated that ELECT received a complaint about a phone call
157 potentially being generated by the candidate. Mr. Braun stated that ELECT does not
158 present a recommendation on how to handle this complaint due to complexity of the
159 nature and origin of the phone call. Chairman Alcorn and Secretary McAllister stated that
160 the complaint lacked the evidence necessary to substantiate the claim. Chairman Alcorn
161 asked if the candidate was present and wished to speak on the issue before the board. Mr.
162 McMenamin approached the podium and stated that his campaign complied with the law.
163 Chairman Alcorn moved *that the complaint against the Friends of Mike McMenamin be*
164 *dismissed for the lack of evidence.* Secretary McAllister seconded the motion and without
165 further comment the board unanimously approved the motion.

166 The next order of business was the campaign violation for Friends of Monique
167 Miles. Mr. Braun stated that ELECT received a complaint regarding candidate Monique
168 Miles and her print advertisement that did not contain the required Stand by Your Ad
169 disclosure. Board members reviewed the submitted materials. Mr. Braun stated that
170 ELECT recommends that SBE should find that Friends on Monique Miles has violated
171 the provisions of Stand by Your Ad and should fine the campaign accordingly in an
172 amount not to exceed \$1000.00. Mr. Braun stated that historically SBE would fine
173 \$300.00 in total to represent \$100.00 each for the three incidents. Chairman Alcorn asked
174 if the candidate was present and wished to speak on the issue before the board. Ms. Miles
175 approached the podium and stated that error occurred with one of the newspaper
176 advertisement submitted and was correct with the other news outlets. Ms. Miles
177 apologized for the error and hoped that the board would consider that it was a first time
178 violation. Chairman Alcorn moved *that SBE assess a civil penalty of \$300.00 to the*
179 *Friends of Monique Miles campaign.* Secretary McAllister seconded the motion and
180 without further comment the board unanimously approved the motion.

181 The next order of business was the campaign violation for Mark Marshall for
182 Sheriff. Mr. Braun stated that ELECT received a complaint regarding candidate Mark
183 Marshall and his yard signs and banners that were distributed. Also noted in the

184 complaint was a joint advertisement with Georgette Phillips that was printed in a local
185 newspaper absent the required disclosures. Board members reviewed the submitted
186 materials. Mr. Brooks stated that ELECT recommends that SBE should find that Mark
187 Marshall for Sheriff has violated the provisions of Stand by Your Ad and should fine the
188 campaign accordingly in an amount not to exceed \$1000.00. Chairman Alcorn asked if
189 the candidate was present and wished to speak on the issue before the board and the
190 candidate did not respond. Mr. Braun stated that the candidate was notified that this
191 matter would be presented at this board meeting. Mr. Braun noted that Georgette Phillips
192 will appear before the board at a future meeting to have her hearing regarding the joint
193 advertisement. Chairman Alcorn moved *that SBE assess a civil penalty of \$300.00 to the*
194 *Mark Marshall for Sheriff Campaign.* Secretary McAllister seconded the motion and
195 without further comment the board unanimously approved the motion.

196 The next order of business was the campaign violation for Van Fleet for
197 Alexandria Council. Mr. Braun stated that ELECT received a complaint regarding
198 candidate Van Fleet regarding a mailer that was delivered to residents in Alexandria
199 which omitted the required disclosures. Board members reviewed the submitted
200 materials. Mr. Braun stated that ELECT recommends that SBE should find that Van Fleet
201 for Alexandria Council has violated the provisions of Stand by Your Ad and should fine
202 the campaign accordingly in an amount not to exceed \$1000.00. Mr. Braun stated that
203 there were a total of four violations. Chairman Alcorn asked if the candidate was present
204 and wished to speak on the issue before the board and the candidate did not respond. Mr.
205 Braun stated that the candidate was notified that this matter would be presented at this
206 board meeting and that there was a message from Mr. Fleet, left at the ELECT office, that
207 due to the meetings timing had not been responded to by ELECT. Chairman Alcorn
208 recommended that ELECT move this violation to a future board meeting and Mr. Braun
209 complied.

210 The next order of business was the campaign violation for W. Wayne Robertson.
211 Mr. Braun stated that ELECT received a complaint regarding candidate W. Wayne
212 Robertson regarding a flyer that omitted the required disclosures. Board members
213 reviewed the submitted materials. Mr. Braun stated that ELECT recommends that SBE
214 should find that W. Wayne Robertson has violated the provisions of Stand by Your Ad

215 and should fine the campaign accordingly in an amount not to exceed \$1000.00.
216 Chairman Alcorn asked if the candidate was present and wished to speak on the issue
217 before the board and the candidate did not respond. Mr. Braun stated that the candidate
218 was notified that this matter would be presented at this board meeting. Chairman Alcorn
219 moved *that SBE assess a civil penalty of \$100.00 to the W. Wayne Robertson campaign.*
220 Secretary McAllister seconded the motion and without further comment the board
221 unanimously approved the motion.

222 The next order of business was the campaign violation for Kyra Bullock for
223 Circuit Court Clerk. Mr. Braun stated that ELECT received a complaint regarding
224 candidate Kyra Bullock regarding a yard sign that omitted the disclosure. Board members
225 reviewed the submitted materials. Mr. Braun stated that ELECT recommends that SBE
226 should find that Kyra Bullock has violated the provisions of Stand by Your Ad and
227 should fine the campaign accordingly in an amount not to exceed \$1000.00. Chairman
228 Alcorn asked if the candidate was present and wished to speak on the issue before the
229 board and the candidate did not respond. Mr. Braun stated that the candidate was notified
230 that this matter would be presented at this board meeting. Chairman Alcorn moved *that*
231 *SBE assess a civil penalty of \$100.00 to the Kyra Bullock campaign.* Secretary
232 McAllister seconded the motion and without further comment the board unanimously
233 approved the motion.

234 The next order of business was the campaign violation for Teri L. Pace for
235 Supervisor. Mr. Braun stated that ELECT received a complaint regarding candidate Teri
236 L. Pace regarding a flyer that omitted the required disclosures. Board members reviewed
237 the submitted materials. Mr. Braun stated that ELECT recommends that SBE should find
238 that Teri L. Pace has violated the provisions of Stand by Your Ad and should fine the
239 campaign accordingly in an amount not to exceed \$1000.00. Chairman Alcorn asked if
240 the candidate was present and wished to speak on the issue before the board and the
241 candidate did not respond. Mr. Braun stated that the candidate was notified that this
242 matter would be presented at this board meeting. Chairman Alcorn moved *that SBE*
243 *access a civil penalty of \$100.00 to the Teri L. Pace campaign.* Secretary McAllister
244 seconded the motion and without further comment the board unanimously approved the
245 motion.

246 The next order of business was the campaign violation for Supporters of
247 Jacqueline Smith for Clerk of the Circuit Court. Mr. Braun stated that ELECT received a
248 complaint regarding candidate Jacqueline Smith regarding several advertisements that
249 omitted the required disclosures. Board members reviewed the submitted materials. Mr.
250 Braun stated that ELECT does not have a recommendation regarding the complaint.
251 Chairman Alcorn asked if the candidate was present and wished to speak on the issue
252 before the board and the candidate did not respond. Mr. Braun stated that the candidate
253 was notified that this matter would be presented at this board meeting. Chairman Alcorn
254 stated that the phrase “created in house by volunteers for...” needed additional
255 interpretation and requested that Mr. Braun conduct additional research regarding the
256 *code* and the historical interpretation by the board. Chairman Alcorn referred the matter
257 until the next board meeting.

258 Chairman Alcorn stated that the discussion of campaign finance violations should
259 occur before the election with caution that the board does not act as a sounding device for
260 a political campaign. Vice Chair Wheeler stated that dealing with alleged misconduct in
261 the middle of a campaign needs to be addressed when the complaint arrives at ELECT
262 not after the election. Chairman Alcorn asked counsel if receiving the materials
263 electronically prior to an election for review and determination if the violation should be
264 heard at the next board meeting would cause any legal compromise. Ms. Birkenheier
265 stated that receiving the materials electronically would not cause an issue; however
266 selecting certain complaints to act upon may cause issues. Secretary McAllister
267 confirmed with Mr. Braun that additional complaints would be heard at the next board
268 meeting.

269 The next order of business was the Electronic Signatures on Absentee Ballots
270 presented by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated that
271 the board stated during the October, 2015 meeting that discussion of this matter would
272 occur today. The department does not have any additional recommendations or proposals
273 to present regarding this matter. Chairman Alcorn stated that there are several options to
274 consider: (i) stay with the status quo, (ii) refer back to where we were, (iii) require the use
275 of the state solution/system, and (iv) develop a new standard for electronic signatures.
276 Chairman Alcorn asked what are the advantages and disadvantages of requiring voters to

277 use the state system. Chairman Alcorn stated that if the outcome, is to look for a new
278 standard for electronic signatures on absentee ballots, it would be beneficial to review
279 similar programs implemented in other states. Chairman Alcorn stated that he would like
280 a briefing on any issues that occurred on absentee ballots with electronic signatures. Vice
281 Chair Wheeler stated that a survey to the electoral boards on any electronic signatures
282 issues should be sent to the elections community.

283 Commissioner Cortés stated that ELECT anticipated the request for information
284 from the board and specifically added the method of request for the absentee ballot into
285 the process. Commissioner Cortés stated that a violations or misuse of the electronic
286 signature program would be referred to the local commonwealth attorneys' office and the
287 survey could ask if any referrals have been made regarding electronic signature
288 violations. Commissioner Cortés stated that the on-line absentee ballot portal and the on-
289 line registration portal have the same parameters. Commissioner Cortés stated that
290 information is being gathered, regarding electronic signatures, through the absentee ballot
291 workgroup and related concerns and questions are being presented to ELECT for
292 analysis. Chairman Alcorn asked that the source of the on-line portals utilized by voters
293 be provided to SBE as well the identification of any problems or issues related to those
294 portals with a discussion to be held at the next SBE meeting. Secretary McAllister
295 requested that ELECT provide an overview of the on-line absentee ballot application
296 process in states that have similar programs.

297 The next order of business was the legal report presented by Anna Birkenheier,
298 Assistant Attorney General and Counsel to SBE and ELECT. Ms. Birkenheier requested
299 a closed session to discuss specific legal matters. Chairman Alcorn asked if there were
300 any public comments and there were none. Chairman Alcorn introduced and welcomed
301 visitor from the Virgin Islands, Caroline Fawkes: Elections Supervisor.

302 Chairman Alcorn moved *that the SBE Board close the meeting to discuss specific*
303 *legal matters requiring the provision of legal advice by legal counsel as authorized by §*
304 *2.2-3711(A)(7) of the Code of Virginia.* Vice Chair Wheeler seconded the motion and
305 without public comment the Board unanimously approved the motion. Chairman Alcorn
306 directed Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary; Anna
307 Birkenheier, Assistant Attorney General and SBE Counsel; Commissioner Cortés and

308 Deputy Commissioner Howard to remain with the Board during the closed session.
309 Chairman Alcorn asked Heather Hays Lockerman, Senior Assistant Attorney General and
310 Counsel to SBE and ELECT to participate. The Board went into Executive Session at
311 5:55PM.

312 At 6:35PM Chairman Alcorn *moved to reconvene in open session and a roll call*
313 *vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously*
314 *certifying that during the closed meeting (i) only public business matters lawfully*
315 *exempted from open meeting requirements under this chapter, and (ii) only such public*
316 *business matters as were identified in the motion by which the closed meeting was*
317 *concerned were heard, were discussed or considered.* Vice Chair Wheeler seconded the
318 motion and the Board unanimously approved the motion. Ms. Mansfield performed the
319 roll call vote and all Board Members approved the motion.

320 Chairman Alcorn moved *that the Board adjourn.* Vice Chair Wheeler seconded
321 the motion and without further comment the Board voted unanimously to adjourn. The
322 meeting was adjourned at approximately 6:40PM.

323 The Board shall reconvene on December 16, 2015 at 10:00AM in the General
324 Assembly Building, Richmond, Virginia 23219 – Room C.

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Secretary

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Chair

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Vice Chair

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1 MINUTES

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3 The State Board of Elections Board Meeting was held on Wednesday, December
4 16, 2015. The meeting was held in the General Assembly Building, Richmond, Virginia
5 – Room C. In attendance, representing the State Board of Elections (SBE) was James
6 Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary.
7 Also in attendance, representing the Department of Elections (ELECT) was Edgardo
8 Cortés, Commissioner; Martin Mash, Policy Advisor; Martha Brissette, Policy Analyst;
9 Myron McClees, Policy Analyst; Brooks Braun, Policy Analyst; Reiko Doğu, Senior
10 Elections Administrator, and Rose Mansfield, Clerk. Anna Birkenheier, Assistant
11 Attorney General and Counsel to SBE and ELECT attended. Chairman Alcorn called the
12 meeting to order at 10:10PM. Secretary Singleton McAllister arrived at 10:50PM.

13 The first order of business was the approval of the Minutes from the State Board
14 of Elections Board Meetings held on November 3, 2015 and November 16, 2015.
15 Chairman Alcorn asked if Board Members had any additions or corrections to the Board
16 Meeting Minutes presented and there were none. Vice Chair Wheeler moved *to adopt the*
17 *Minutes for the November 3, 2015 and November 16, 2015 meetings*. Chairman Alcorn
18 second the motion. The Board unanimously approved the motion.

19 The second order of business was the Conflict of Interest Statement presented by
20 Martha Brissette, ELECT Policy Analyst. Ms. Brissette stated that the 2015 legislative
21 session passed ethics reform legislation that included changes to Virginia’s State and
22 Local Government Conflict of Interest Act (COIA) and the General Assembly Conflict of
23 Interest Act (GACOIA). Ms. Brissette stated that the effective date for those changes is
24 January 1, 2016 and ELECT is proposing to meet the responsibility by utilizing the
25 candidate bulletins to inform the “Candidates” of the changes. Ms. Brissette stated that
26 the May 3, 2016 election would be the first election that candidates would be subject to
27 the law change. Ms. Brissette stated that the information would be provided on the
28 ELECT website and the Board would be approving the notification process/language as
29 the legislators approved the change in their ethics reform legislation. Chairman Alcorn
30 moved *that the Board (i) approve staff’s proposed additional language for the May 3,*
31 *2016 municipal elections, and (ii) direct staff to add similar language to forms,*

32 *instructions and guidance documents where appropriate.* Vice Chair Wheeler second the
33 motion and without public comment the Board unanimously approved the motion.

34 The next order of business was the General Registrars Full-Time requests
35 presented by Martin Mash, ELECT Policy Advisor. Mr. Mash stated that the Virginia
36 Budget authorizes and funds general registrars with a population in most counties under
37 10,000 and cities under 7,500 to work on a part-time basis for most of the year. While the
38 Budget does provide funding for the registrars to be compensated to work full-time for
39 the months surrounding each year's May General Election (March through May), the
40 Budget does not account for other elections, including local elections and primaries.
41 Chapter 3, 2014 Acts of the Assembly, Item 84(C) (the "Budget") does include an
42 appropriation from the general fund to provide temporary full-time status for part-time
43 general registrars.

44 Mr. Mash informed the Board that the following localities submitted temporary
45 full-time requests: Charles City County, City of Buena Vista, Craig County, Galax City,
46 Mathews County, Richmond County, Surry County, Covington City, Bland County, and
47 Lexington City. Commissioner Cortés stated that the range of dates varied in the request
48 to fit the particulars of each of the localities requesting temporary full-time status. Vice
49 Chair Wheeler moved *that the Board approve the requests from Charles City County,*
50 *City of Buena Vista, Craig County, Galax City, Mathews County, Richmond County,*
51 *Surry County, Covington City, Bland County, and Lexington City and that ELECT staff*
52 *provide a list of the range of dates requested.* Chairman Alcorn second the motion and
53 without public comment the Board unanimously approved the motion.

54 The next order of business was the Goochland County request for Post-Election
55 Audit presented by Myron McClees, ELECT Policy Analyst. Mr. McClees stated
56 Virginia Code § 24.2-671.1 allows for localities to request an audit of ballot scanner
57 machines to assess their accuracy. Audits are often performed when new voting machines
58 are being considered for potential certification for use in the Commonwealth however:
59 the Electoral Board for Goochland County has unanimously voted to request an audit of
60 its voting machines after anomalies in tallies were discovered during their canvass of the
61 November 2015, General Election.

62 Mr. McClees reported that this will be the first time a post-election audit is
63 conducted under this current *code* provision. The Chairman of the Goochland County
64 Electoral Board has confirmed that the statutory requirements for an audit exist within
65 their certified results. Mr. McClees stated that all candidates whose votes would be
66 reassessed won by a margin of at least ten percent. Mr. McClees stated that the machines
67 to be audited would be in precincts 101, 104, 201, 301, and 401. Mr. McClees stated that
68 the audit would have no effect on the official election results and the totals determined
69 during the audit are used to assess the accuracy of the voting machines. Mr. McClees
70 stated that the audit documents provided to board members were provided by Larry
71 Haake, General Registrar of Chesterfield County. Mr. McClees thanked Mr. Haake for
72 his assistance on this request. Chairman Alcorn asked if there were any comments. Robin
73 Lind, Chairman of the Goochland County Electoral Board approached the podium.

74 Mr. Lind stated that he was available to answer any questions regarding the
75 request. Chairman Alcorn stated that he would look forward to reviewing the results of
76 the audit. Vice Chair Wheeler noted that it was peculiar that candidates in uncontested
77 elections would receive the same number of votes. Mr. Lind stated that the request for the
78 audit was made for this reason and the integrity of the machines needs to be verified.
79 Vice Chair Wheeler moved *that the Board approve the request from the Electoral Board*
80 *of Goochland County for an audit of their ballot scanner machines in Precincts 101, 104,*
81 *201, 301, and 401.* Chairman Alcorn second the motion and without further public
82 comment the Board unanimously approved the motion.

83 The next order of business was the Commissioner Report. Commissioner Cortés
84 stated ELECT has been working on the post-election details of the November 3, 2015,
85 General Elections and preparing for the March 1, 2016 presidential primary.
86 Commissioner Cortés stated that ELECT has filled the position of Business Manager and
87 announced that Jeanine Black accepted the position. Commissioner Cortés thanked the
88 Election Uniformity Team for their efforts in preparing for the dual primary in March,
89 2016. Commissioner Cortés stated that ELECT has been focused on the certification
90 process both on (i) voting equipment and (ii) electronic pollbooks. Commissioner Cortés
91 stated that ELECT has been working with the vendors to strengthen the certification
92 process and will have a report to present at the January, 2016 SBE Board Meeting.

93 Commissioner Cortés stated that ELECT implemented a state-wide registration system
94 that allows localities to report on their equipment and to make changes when they
95 purchase new equipment. Chairman Alcorn stated that having the equipment version
96 indicator attached to the equipment identifier listed for each locality is important.
97 Commissioner Cortés stated that ELECT is increasing activity on the social media sites
98 and numerous enhancements have been made to the website. Commissioner Cortés stated
99 that this has created an increase in the number of individuals who are utilizing the
100 ELECT resources. Commissioner Cortés stated in November 2014, which was a federal
101 election year, ELECT experienced approximately 9,700 sessions and in November 2015,
102 ELECT experienced approximately 47,000 sessions. Chairman Alcorn asked if there
103 were public comments. Greg Riddlemoser, General Registrar of Stafford County,
104 provided public comment.

105 The next order of business was the Campaign Finance Violations presented by
106 Brooks Braun, ELECT Policy Analyst. Mr. Braun stated that the first Stand by Your Ad
107 complaint was for Arnika Green. Mr. Braun explained the materials associated to the
108 complaint and the disclaimer violation associated to the materials. Chairman Alcorn
109 asked if the candidate was present and wished to speak on the issue before the board. Ms.
110 Green approached the podium. Ms. Green stated that the sender of the complaint against
111 her campaign only sent in pictures of one side of her campaign signs. Ms. Green provided
112 documentation to support that a sticker with the proper campaign disclosure where on her
113 signs and provided the invoices to show the ordering of those items. Ms. Green provided
114 a used sign to board members as evidence of the compliance. Board Members reviewed
115 the materials presented by Ms. Green. Chairman Alcorn moved *that after reviewing the*
116 *evidence presented the complaint against Ms. Green will be dismissed.* Vice Chair
117 Wheeler second the motion and without comment the Board unanimously approved the
118 motion.

119 Mr. Braun stated that the second Stand by Your Ad complaint was for Georgette
120 Phillips. Mr. Braun explained the materials associated to the complaint and the disclaimer
121 violation associated to the materials. Chairman Alcorn asked if the candidate was present
122 and wished to speak on the issue before the board. Ms. Phillips approached the podium.
123 Ms. Phillips apologized to SBE for the one-time error. Vice Chair Wheeler moved *that*

124 *the complaint be dismissed.* The motion lay on the floor for a lack of a second. Secretary
125 McAllister stated that consistency of accessing fines for Stand by Your Ad violations was
126 important and that SBE had previously accessed fines for similar violations. Vice Chair
127 Wheeler rescinded her motion. Mr. Braun stated that ELECT recommends that SBE
128 should find that Georgette Phillips has violated the provisions of Stand by Your Ad and
129 should fine the campaign accordingly in an amount not to exceed \$1000.00. Chairman
130 Alcorn moved *that SBE assess a civil penalty of \$100.00 to the Georgette Phillips*
131 *Campaign.* Secretary McAllister seconded the motion and without further comment the
132 Board unanimously approved the motion.

133 Mr. Braun stated that the next Stand by Your Ad complaint was for Townsend
134 Van Fleet. Mr. Braun explained the materials associated to the complaint and the
135 disclaimer violation associated to the materials. Mr. Braun stated that staff recommends
136 that SBE should find that Townsend Van Fleet has violated the provisions of the Stand by
137 Your Ad and should fine the campaign accordingly in an amount not to exceed \$1000.00.
138 Chairman Alcorn stated that historically a first time offense has a penalty of \$100.00
139 assessed to the candidate. Mr. Braun noted that there were four separate violations.
140 Chairman Alcorn stated that this violation scenario should be researched by ELECT to
141 maintain consistency in accessing fines. Chairman Alcorn moved *that SBE table the*
142 *consideration to assess a fine to the Townsend Van Fleet Campaign.* Secretary
143 McAllister second the motion and without public comment the board unanimously
144 approved the motion.

145 Mr. Braun stated that the next Stand by Your Ad complaint was for Robert
146 Gibbons. Mr. Braun explained the materials associated to the complaint and the
147 disclaimer violation associated to the materials. Mr. Braun stated that the yard signs
148 involved in the complaint were posed in the 14 days prior to an election and therefore:
149 ELECT recommends a penalty of \$250.00. Chairman Alcorn asked if the candidate was
150 present and wished to speak on the issue before the board. Mr. Gibbons approached the
151 podium and stated that the disclosure was overlooked and apologized for the error and
152 any embarrassment it may have caused his employer as he is an employee of the federal
153 government. Mr. Gibbons stated that the error was his fault however: had no intention of
154 committing the error. Greg Riddlemoser, General Registrar of Stafford County, spoke on

155 the behalf of Mr. Gibbons. Chairman Alcorn moved *that SBE assess a civil penalty of*
156 *\$200.00 to the Robert Gibbons campaign.* Secretary McAllister seconded the motion and
157 without further comment the Board unanimously approved the motion.

158 The next order of business was the campaign violation for Jacqueline Smith. Mr.
159 Braun stated that ELECT received a complaint regarding candidate Jacqueline Smith and
160 her print advertisement that did not contain the required Stand by Your Ad disclosure.
161 Board members reviewed the submitted materials. Mr. Braun stated that ELECT
162 recommends that SBE should find that Jacqueline Smith has violated the provisions of
163 Stand by Your Ad and should fine the campaign accordingly in an amount not to exceed
164 \$1000.00. Chairman Alcorn asked if the candidate was present and wished to speak on
165 the issue before the board. The candidate was not present. Mr. Braun stated that the
166 attorney for Ms. Smith was present and submitted a letter requesting deferral of the
167 complaint. Chairman Alcorn moved *that SBE table the consideration to assess a fine to*
168 *the Jacqueline Smith campaign.* Vice Chair Wheeler second the motion and without
169 public comment the board unanimously approved the motion.

170 Mr. Braun stated that SBE was provided with a memorandum in the board
171 working papers which discusses the protocol for handling campaign finance complaints.
172 Vice Chair Wheeler stated that SBE should give consideration to the hearing of campaign
173 finance complaints on the same time-line at they are received by ELECT versus after the
174 election occurs. Chairman Alcorn asked that ELECT forward the complaints to the
175 Board Members as they are received and SBE would direct ELECT to place the
176 complaints on the agenda for the next appropriate board meeting depending on the
177 circumstances of the complaint. No further input was received on campaign finance
178 violations.

179 The next order of business was the Ballot Order Drawing for the Presidential
180 Primary on March 1, 2016 presented by Rieko Doğu, Senior Elections Administrator. Ms.
181 Doğu explained the process and explained that persons seeking ballot access for the
182 presidential primary submitted their petitions to ELECT. ELECT then notified the parties
183 of the acceptance of the petitions and the parties identified the qualifying candidates. Ms.
184 Doğu identified by name the list of candidates to be placed on the Democratic Party,

185 March 1, 2016, Presidential Ballot. The ballot drawing was conducted by SBE and
 186 confirmed by Ms. Mansfield, SBE Clerk. The ballot order for the Democratic Party:

- 187 1. Hillary Clinton
 188 2. Martin J. O'Malley
 189 3. Bernie Sanders

190

191 Ms. Doğu identified by name the list of candidates to be placed on the Republican Party,
 192 March 1, 2016, Presidential Ballot. The ballot drawing was conducted by SBE and
 193 confirmed by Ms. Mansfield. The ballot order for the Republican Party:

- 194 1. Marco Rubio
 195 2. Lindsey Graham
 196 3. Ben Carson
 197 4. Rand Paul
 198 5. Mike Huckabee
 199 6. Ted Cruz
 200 7. Donald Trump
 201 8. Jim Gilmore
 202 9. Chris Christie
 203 10. Jeb Bush
 204 11. Rick Santorum
 205 12. John Kasich
 206 13. Carly Fiorina

207

208 Chairman Alcorn moved *that the Board certify the ballot order as drawn for the March*
 209 *1, 2016 Democratic and Republican Primaries*. Vice Chair Wheeler second the motion
 210 and without public comment the Board unanimously approved the motion.

211 The next order of business was the RPV Affirmation Statement presented
 212 by Rieko Doğu, Senior Elections Administrator. Ms. Doğu stated the steps prescribed in
 213 §24.2-545A of the *code* of the Commonwealth of Virginia:

214 If the party has determined that it will hold a presidential primary, each registered
 215 voter of the Commonwealth shall be given an opportunity to participate in the presidential
 216 primary of the political party, as defined in § 24.2-101, subject to requirements determined
 217 by the political party for participation in its presidential primary. The requirements may
 218 include, but shall not be limited to, the signing of a pledge by the voter of his intention to
 219 support the party's candidate when offering to vote in the primary. The requirements
 220 applicable to a party's primary shall be determined at least 90 days prior to the primary date
 221 and certified to, and approved by, the State Board.

222 Ms. Doğu stated that the letter and supporting materials requesting the Board to approve the
223 use of a pledge is in the Board packet. The Department of Elections has taken the language
224 proposed by the Republican Party of Virginia and formatted it for use in polling places on
225 election day and for inclusion in the absentee voter packet. The formatting is based on similar
226 documents previously approved by the Board in 2011.

227 Chairman Alcorn asked “What happens to the statements [RPV Pledge] after they are
228 signed by the voter?” Ms. Doğu stated that the statements are treated as election materials
229 and are handled in the same manner by being delivered to the clerk of the court with the other
230 sealed election materials. Commissioner Cortés stated that the statement/oath is not available
231 to the parties for inspection after the conclusion of the primary. Secretary McAllister inquired
232 if the other political parties had requested a statement or oath similar to the Republican
233 Parties request. Commissioner Cortés stated that the Democratic Party indicated in their
234 certification that they were not requesting a statement or oath to be signed by voters.
235 Chairman Alcorn inquired if there was a cost associated to the statements. Commissioner
236 Cortés stated that the localities endure the cost in the printing and handling of the
237 statements/election materials. Chairman Alcorn asked if there was any public comment.

238 Greg Riddlemoser, General Registrar of Stafford County, approached the podium.
239 Mr. Riddlemoser stated that if the statement is allowed voters will be angered and logistically
240 handling an additional 40,000 sheets of paper will be troublesome. Olga Hernandez, Virginia
241 League of Women Voters, stated that a pledge and the process of issuing the pledge would be
242 a nightmare to election officials and will unduly increase the length of the lines. Ms.
243 Hernandez stated that the legality of being denied a ballot if the voter does not sign a
244 statement/oath should be given consideration. Robin Lind, Chairman of the Goochland
245 County Electoral Board, stated that he echo the sentiments of Mr. Riddlemoser. John Findlay,
246 Executive Director of the Virginia Republican Party (RPV), stated that the RPV designed the
247 statement/oath with consideration of not disenfranchising voters. Mr. Findlay stated that for
248 clarification the document is a statement not a pledge. Mr. Findlay stated that the RPV has
249 offered to distribute and pay for the cost associated to the statements and we were informed
250 by ELECT that this would not be feasible. Mr. Findlay stated that the entry of telephone
251 numbers and email addresses on the statement would be optional on the part of the voter.
252 Therese Martin, Virginia League of Women Voters, stated that as an election officer the
253 logistics will create long lines. Larry Haake, Chesterfield County General Registrar, stated

254 that a voter statement/pledge was utilized in the year 2000 by the Republican Party. Mr.
255 Haake stated that the voters were angry and blaming election officials for the process and the
256 delays. Vice Chair Wheeler inquired of Mr. Haake if this process was burdensome. Mr.
257 Haake stated that the election officials, who are volunteers, blamed the election workers and
258 became vocal citing a breach of privacy and unjust dedication to a party when Virginians do
259 not registrar by political party. Mr. Haake stated that when a voter perceives that anything is
260 between them and the ballot they become angry. Mr. Findlay returned to the podium and
261 stated that the 2000 primary election had an unusually high turnout and stated that this data
262 negates the concerns of the registrars and election officials. Lisa Jeffers, General Registrar of
263 the City of Waynesboro, stated that this is a party request and the election officers will be
264 trained. Chairman Alcorn asked if there were any additional comments and there were none.

265 Chairman Alcorn moved *that the Board approve the proposed Voter Statement of*
266 *Republican Party Affiliation as amended by the Department of Elections staff specifically to*
267 *change pledge to statement of the document requested by the RPV.* Vice Chair Wheeler
268 second the motion and without further public comment the Board unanimously approved the
269 motion.

270 Chairman Alcorn moved *that SBE go into recess until 12:40PM.* Vice Chair Wheeler
271 seconded the motion and without public comment the Board unanimously approved the
272 motion, The Board went into recess at 12:30PM. Chairman Alcorn moved *that the Board*
273 *reconvene at 12:40PM.* Vice Chair Wheeler second the motion and without public comment
274 the Board unanimously approved the motion.

275 Vice Chair Wheeler moved *that the SBE Board close the meeting to discuss*
276 *specific legal matters requiring the provision of legal advice by legal counsel as*
277 *authorized by § 2.2-3711(A)(7) of the Code of Virginia.* Chairman Alcorn seconded the
278 motion and without public comment the Board unanimously approved the motion.
279 Chairman Alcorn directed Clara Belle Wheeler, Vice Chair; Singleton McAllister,
280 Secretary; Anna Birkenheier, Assistant Attorney General and SBE Counsel;
281 Commissioner Cortés and Confidential Policy Advisor, Martin Mash to remain with the
282 Board during the closed session. The Board went into executive session at 12:45PM.

283 At 2:15PM Chairman Alcorn moved *to reconvene in open session and a roll call*
284 *vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously*
285 *certifying that during the closed meeting (i) only public business matters lawfully*

286 *exempted from open meeting requirements under this chapter, and (ii) only such public*
287 *business matters as were identified in the motion by which the closed meeting was*
288 *concerned were heard, were discussed or considered.* Secretary McAllister seconded the
289 motion and the Board unanimously approved the motion. Ms. Mansfield performed the
290 roll call vote and all Board Members approved the motion.

291 Secretary McAllister moved *that SBE authorize the Commissioner of Elections to*
292 *participate in the continued settlement discussion in the case of Lee v. SBE and delegate*
293 *to him the authority to approve a settlement agreement on behalf of the Board as per the*
294 *Boards' instruction.* Chairman Alcorn second the motion and without public comment
295 the Board unanimously approved the motion.

296 The next order of business was the Electronic Pollbooks Certification presented
297 by Commissioner Cortés. Commissioner Cortés provided a summary of the process and
298 stated that Virginia Information Technologies Agency (VITA) began an end-to-end
299 security analysis and penetration tests in September, 2015. Commissioner Cortés stated
300 that the Board voted to revise the certification process to include this new testing regime.
301 During the review of EPB solutions VITA discovered that this solution may use external
302 storage of data that would put sensitive records outside of the control of the
303 Commonwealth. Commissioner Cortés stated that Virginia requires that all data classified
304 as sensitive with respect to confidentiality, integrity, or availability remain within the
305 geographical boundaries of the Commonwealth and that data classified as sensitive be
306 housed only within facilities owned or leased by the Commonwealth. Commissioner
307 Cortés stated that the systems to be certified are ES&S, KnowINK, and Robis Electronic
308 Pollbook Systems. Commissioner Cortés reviewed the systems to be certified and the
309 testing process for which each system underwent. Commissioner Cortés stated that
310 ELECT has requested that the Board approve the systems with the inclusion of two
311 provisions. Commissioner Cortés noted that ELECT is working diligently to protect
312 voters' sensitive information.

313 Chairman Alcorn asked for an overview of the certification process and how it
314 related to the electronic pollbooks. Commissioner Cortés stated that the certification
315 standards that were adopted by SBE, this year, were more vigorous and provided the
316 Board increase leeway in case there was something of concern to the Board that

317 additional testing could be requested. During the test elections there was an issue in one
318 of the polling place where voter records were altered. This created a security concern and
319 ELECT asked VITA to assist in the testing. As a result, ELECT asked SBE to allow an
320 additional review by VITA. VITA discovered, during this review, a data management
321 issue in that sensitive information was being maintained outside of the state requirements
322 which create problematic data storage issues. Commissioner Cortés stated that ELECT is
323 the data owner of the information and is responsible for protecting the information. The
324 vendors have provided ELECT with solutions to these concerns.

325 Paul Stenbjorn, ELECT Consultant, spoke to the subject. Mr. Stenbjorn stated that
326 an audit of the systems does not require ELECT personnel to travel to the locality but
327 does require a statement by the locality that a test was conducted prior to deploying the
328 equipment for use. Matt Davis, ELECT CIO, stated that the EPB systems currently
329 awaiting certification are not manageable without the two provisions with the actions
330 suggested by ELECT staff. Mr. Davis stated that a cloud hosted system that is not under a
331 contractual agreement with the Commonwealth cannot be utilized. If a data breach
332 occurs; the Commonwealth, ELECT, and Commissioner Cortés would be liable.
333 Secretary McAllister stated that the concern in Fairfax County is that the new EPB's
334 would not be a viable option with the certification timeline for the March, 2016
335 presidential primaries if action was not expedited by VITA.

336 Chairman Alcorn asked if there were any public comments. Public speakers on
337 this agenda item were: Cameron Sasnett, Fairfax County General Registrar; Greg
338 Riddlemoser, Stafford County General Registrar; Steve Hunt, Chairman Stafford County
339 Electoral Board; and Olga Hernandez, Virginia League of Women Voters. SBE members
340 discussed options and motion language regarding certifying the EPB's.

341 Vice Chair Wheeler moved *that the Board certify the EPB systems, ES&S,*
342 *KnowINK, and Robis for use in elections in the Commonwealth of Virginia, pursuant to*
343 *the Electronic Pollbook Certification: Procedures & Requirements. Provided that: (i)*
344 *Prior to entering into any contractual agreements for this solution, the locality must*
345 *review the contract with the Department of Elections in its role as data owner and the*
346 *Department of Elections must approve the contract language related to data security*
347 *standards, (ii) The Department of Elections must be able to audit the installation of this*

348 *solution prior to its being deployed for use in any election, and (iii) that the Department*
349 *of Elections must expedite the process working with the localities to achieve those goals.*
350 Secretary McAllister second the motion and without further public comment the Board
351 unanimously approved the motion.

352 The next order of business was the SB 11 Workgroup Final Report presented by
353 Matt Davis, ELECT CIO. Mr. Davis stated that in 2014 the general assembly passed SB
354 11 that directed SBE to convene a working group for the development of the initial
355 instructions, procedures, services, security assessment, and security measures for the
356 secure return by electronic means of voted absentee military-overseas ballots from
357 uniformed-service voters outside of the United States. The workgroup has completed
358 their report and is submitting the report to SBE for final submission to the Governor with
359 the Boards' approval. Mr. Davis stated that the workgroup developed a solution which is
360 in the report presented in the board working papers. Mr. Davis stated that military
361 member would conduct all aspects of voting absentee on-line. Mr. Davis stated that the
362 estimated annual cost is \$850,000 and a one-time development cost of \$1,400,000 with
363 more specific details included in the report. Mr. Davis stated that the workgroup is
364 asking that the submitted report be approved and that ELECT is directed to deliver the
365 report to the Governors' Office and the members of both Privileges and Elections
366 Committees. Secretary McAllister suggested that ELECT attach a letter to the report and
367 send the final report to the Governor, Privileges and Elections Committee members, and
368 General Assembly sponsors of the bill. Vice Chair Wheeler moved *that an introduction*
369 *letter accompany the workgroup report and be delivered to the Governor and all*
370 *members of both the Senate and the House Privileges and Elections Committee.* Secretary
371 McAllister second the motion and without public comment the Board unanimously
372 approved the motion.

373 Chairman Alcorn asked if there was any other business. Commission Cortés
374 stated that Gary Fox, Elections Uniformity Supervisor would be retiring at the end of
375 2015. Commission Cortés thanked Mr. Fox for his tireless efforts and dedication to the
376 election process and community. Commission Cortés stated that Mr. Fox would be
377 missed by ELECT. SBE Members wished Mr. Fox well and stated that they will miss his

378 expertize. Chairman Alcorn asked if there was any other business to come before the
379 Board.

380 Vice Chair Wheeler asked about the touch screen equipment in Halifax County.
381 Vice Chair Wheeler described the particulars of the situation with the equipment. Vice
382 Chair Wheeler stated that 22 of the 55 machines had issues. Commissioner Cortés stated
383 that a report would be delivered to SBE at the January 2016, board meeting. Chairman
384 Alcorn asked if this locality was having a contest due to voting equipment irregularities.
385 Commissioner Cortés stated that is a correct statement. Commissioner Cortés stated that
386 Halifax County would be sent a request to attend the meeting.

387 Vice Chair Wheeler stated that the GREB Workgroup was due to present their
388 final report today but did not. The goals and achievements of this workgroup were
389 admirable. Vice Chair Wheeler asked that the workgroup be recommissioned for an
390 additional year. Chairman Alcorn stated that issue will be taken up at the January 2016,
391 board meeting.

392 Chairman Alcorn moved *that the Board adjourn*. Secretary McAllister seconded
393 the motion and without further comment the Board voted unanimously to adjourn. The
394 meeting was adjourned at approximately 4:10PM.

395 The Board shall reconvene on January 8, 2016 at 10:00AM in the General
396 Assembly Building, Richmond, Virginia 23219 – Room C.

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Secretary

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Chair

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Vice Chair

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1 MINUTES-Final-SBE Approved-April 28, 2016

2

3 The State Board of Elections Board Meeting was held on Tuesday, March 15,
4 2016. The meeting was held in the General Assembly Building, Richmond, Virginia –
5 Room C. In attendance, representing the State Board of Elections (SBE) was James
6 Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary.
7 Also in attendance, representing the Department of Elections (ELECT) was Edgardo
8 Cortés, Commissioner; Elizabeth Howard, Deputy Commissioner; Martin Mash, Policy
9 Advisor, and Rose Mansfield, Clerk. Anna Birkenheier, Assistant Attorney General and
10 Counsel to SBE and ELECT attended. Chairman Alcorn called the meeting to order at
11 10:20AM. Secretary McAllister arrived at 10:25AM.

12 The first order of business was the approval of the minutes from the State Board
13 of Elections Board Meetings held on January 8, 2016, February 4, 2016, and March 1,
14 2016. Chairman Alcorn asked if board members had any additions or corrections to the
15 Board Meeting minutes presented. Vice Chair Wheeler noted a change to the January 8,
16 2016 minutes and notified the Clerk. Vice Chair Wheeler moved *to adopt the minutes for*
17 *the January 8, 2016, February 4, 2016, and March 1, 2016 meetings as amended and or*
18 *presented*. Chairman Alcorn seconded the motion. The Board unanimously approved the
19 motion.

20 The next order of business was the Commissioner Report presented by Edgardo
21 Cortés, ELECT Commissioner. Commissioner Cortés stated that the process of removing
22 Mr. Guiffré, Prince William Electoral Board Secretary, as recommended by SBE during a
23 previous meeting, was sent to the State Supreme Court to appoint a special judge who
24 would be responsible for appointing a special commonwealth attorney. Commissioner
25 Cortés stated that Mr. Guiffré term expired on February 29, 2016 and a new electoral
26 board member was appointed on March 1, 2016 to fill the vacancy.

27 Commissioner Cortés stated that as a result of legislation a bill moved through the
28 General Assembly that requires ELECT to establish a base-line for training officers of
29 elections and that the new training coordinator would handle this responsibility.
30 Commissioner Cortés reported that Kevin Hill; ELECT Business Manager and Paul
31 Stenbjorn; Director of Election Administration recently began their employment at

32 ELECT. Commissioner Cortés stated that legislation also affected the voter registration
33 form which has an effective date of July 1, 2016. Commissioner Cortés stated that the
34 budget included funding to bring all general registrars to full-time status and included
35 reimbursement of presidential primary costs to the localities. Commissioner Cortés stated
36 that there was a federal court order for redistricting of several congressional districts and
37 that ELECT is working to implement the plan to comply with the court order. ELECT has
38 communicated the new boundary lines to the party leaders. Commissioner Cortés stated
39 that this process will assist ELECT in the census redistricting that will occur in 2021.
40 Secretary McAllister questioned the placement of the new boundaries with the appeal
41 process regarding redistricting. Ms. Birkenheier stated that the boundaries will be in place
42 until the appeal process is complete.

43 The next order of business was the Campaign Finance Updates presented by
44 Brooks Braun, ELECT Policy Analyst. Mr. Brooks provided an update regarding the
45 campaign finance issue related to Mr. McCollum that was heard at the January 8, 2016,
46 SBE meeting. SBE requested that the complaint go the Commonwealth Attorney in
47 Virginia Beach and a resolution has not been received by ELECT.

48 Mr. Brooks stated that the Stand by Your Ad complaints are included in the
49 boards' working papers. Mr. Brooks stated that the first complaint was Townsend Van
50 Fleet previously heard by SBE in December 2015. SBE determined that the campaign did
51 have a violation and asked for follow-up on what constituted an occurrence and violation
52 of print media standard. After review, ELECT is recommending that the Board use the
53 standard of publication as a guide. Mr. Brooks stated that ELECT is recommending the
54 Van Fleet campaign be assessed a fine of \$400.00 which represents \$100.00 each for
55 each of the violations. Chairman Alcorn stated that an occurrence would represent when
56 the ad or broadcast was published and directed ELECT to document this guidance in the
57 campaign finance materials for candidates. Secretary McAllister moved *that the Van*
58 *Fleet Campaign be assessed a fine of \$400 for the violations.* Vice Chair Wheeler
59 seconded the motion. Chairman Alcorn asked if a representative for Mr. Van Fleet was
60 presented and there was none. Mr. Brooks indicated that no response was received from
61 the campaign. The Board unanimously approved the motion.

62 Mr. Brooks stated that the second campaign finance complaint was Jacqueline
63 Smith. Mr. Brooks reported that the campaign notified ELECT that they did not receive
64 the SBE hearing notice. The Smith campaign has requested and extension on this matter.
65 SBE agreed to grant an extension.

66 Mr. Brooks stated that the next campaign finance complaint was Dusty Sparrow
67 Reed regarding yard signs utilized in her campaign. Mr. Brooks stated that ELECT
68 recommends a fine of \$200 for improperly disclosed yard sign distributed within the 14
69 days on or before an election. SBE members reviewed the photos provided associated to
70 the complaint. Chairman Alcorn asked if Ms. Reed was present.

71 Ms. Reed approached the podium. Ms. Reed supplied the actual signs utilized in
72 the campaign for members to analysis. Ms. Reed explained that the circumstances around
73 the distribution and display of her yard signs noting that the changes to the yard sign
74 requirements created some concern and she did contact ELECT with questions and
75 requested guidance. Ms. Reed stated that disclaimers were printed and added to her
76 existing supply of signs by campaign volunteers prior to display. SBE members reviewed
77 the evidence submitted. Chairman Alcorn moved *that the complaint against the Reed*
78 *campaign be dismissed*. Secretary McAllister seconded the motion and the Board
79 unanimously approved the motion.

80 Mr. Brooks stated that the next campaign finance complaint was Constance Kelly-
81 Rice regarding undisclosed sample ballots utilized in her campaign. Mr. Brooks stated
82 that ELECT recommends a \$200.00 fine for improperly disclosed sample ballots
83 distributed within 14 days on or before the election. SBE members reviewed the
84 submitted materials and were informed that Ms. Rice submitted an explanation of her
85 absence to the Clerk. Ms. Rice, in her correspondence, admitted to printing sample
86 ballots without the disclosure. Chairman Alcorn moved *that the Rice campaign is*
87 *accessed a fine of \$200.00 for being in violation of Stand by Your Ad requirements*. Vice
88 Chair Wheeler seconded the motion and the Board unanimously approved the motion.

89 Mr. Brooks stated that the next campaign finance complaint was Timothy Puryear
90 regarding undisclosed yard signs. Mr. Brooks stated that ELECT recommends a fine of
91 \$200.00 for improperly disclosed yard signs with 14 days on or before the election. SBE
92 members reviewed the submitted materials and noted that the candidate was not present.

93 Mr. Brooks explained that the signs did state “Paid for by the Candidate” however the
94 *Code* does state that the candidates’ name must be utilized in the disclaimer. Vice Chair
95 Wheeler stated that a reasonable person would assume that Mr. Puryear paid for the
96 signs. Commissioner Cortés stated that as a matter of substantial compliance, which
97 previously was interpreted by the Board narrowly, with any ambiguity in the reading of
98 the disclaimer would be considered a violation. Secretary McAllister stated that the
99 Board should remain consistent with previous decisions. Ms. Birkenheier stated that the
100 candidates would have to have knowledge of the Boards’ decisions. Commissioner
101 Cortés stated that the candidates will need to be informed of the previous interpretations
102 and decisions regarding substantial compliance since discussed in January, 2016.
103 Chairman Alcorn moved *that the Board dismiss the complaint as presented*. Vice Chair
104 Wheeler seconded the motion. Chairman Alcorn asked if there were additional questions
105 or concerns. Secretary McAllister stated that she agreed that the Board should maintain
106 constituency and continuity in their decisions and it is imperative that the public be made
107 aware of the standards utilized by SBE. Chairman Alcorn asked if there were additional
108 comments and there were none. The Board unanimously approved the motion.

109 Mr. Brooks stated that the next campaign finance complaints concerned the matter
110 of expressed advocacy. Mr. Brooks stated that the process of defining expressed
111 advocacy as defined by *Code* has been a work in progress and may require legislation as
112 a result. Mr. Brooks stated that because of this uncertainty ELECT is recommending that
113 the complaints be dismissed. Chairman Alcorn inquired if there was a timeframe to
114 handle these complaints. Commissioner Cortés stated that it would be problematic to hear
115 complaints that have aged as the process of defining express advocacy will be lengthy.
116 Commissioner Cortés stated that because of this reason ELECT is recommending that the
117 complaints be dismissed. Chairman Alcorn requested research on “Expressed Advocacy”
118 by SBE Counsel. Chairman Alcorn moved *that the complaints before the Board be tabled*
119 *until further guidance is provided*. Secretary McAllister seconded the motion. The Board
120 unanimously approved the motion.

121 The next order of business was the Certification of the Presidential Primary
122 presented by Reiko Doğu, Senior Elections Administrator. Ms. Doğu stated that the
123 Electoral Boards of Virginia certified the results of the March 1, 2016, Presidential

124 Primary elections to ELECT. The results from each city and county were verified for
125 accuracy and the totals from various localities are summarized in the Abstracts of Votes.
126 SBE Board Members reviewed the documents and signed the certificates of Certification
127 of Results. Ms. Doḡu stated that after this action is completed the results will be official.
128 Chairman Alcorn moved *that SBE certify the results of the 2016 Presidential Primary*
129 *Elections to the Political Parties of Virginia*. Vice Chair Wheeler seconded the motion
130 and without public comment the Board unanimously approved the motion.

131 Commissioner Cortés provided a review of Election Day and the preparations
132 leading up to and including March 1, 2016. Commissioner Cortés stated ELECT
133 advertised the requirements of the Voter Photo Identification Laws extensively statewide
134 to include radio, cable television, public transportation marquees, social media,
135 newspaper, and print advertising. ELECT focused on the forms of acceptable
136 identification for voters on Election Day and the availability of free identification from
137 the General Registrars' Office. Commissioner Cortés thanked Tanya Pruett, Outreach
138 Coordinator for her efforts and dedication. Commissioner Cortés noted the increase in
139 social media and website hits since 2014 with an increase of 500% or more.
140 Commissioner Cortés noted that ELECT had 787 individuals requested free
141 identifications since November 2015 thru March 4, 2016. ELECT will see an increase in
142 identifications requests leading up to the November 2016, General Election. ELECT will
143 continue the outreach efforts regarding free voter identification. Commissioner Cortés
144 stated that the ELECT Call Center was activated and 3500 calls were received from
145 voters in the Commonwealth. Commissioner Cortés stated that over 800 voters called to
146 confirm their voter registration status and over 600 callers inquired about voter
147 identification. Commissioner Cortés stated that the call center will be activated prior to
148 the November General Elections. Commissioner Cortés stated that ELECT is conducting
149 further analysis of the types of calls received to determine how to further assist voters.
150 Commissioner Cortés stated that the election night reporting portal was extremely
151 successful and experience no lag time in generating results. Commissioner Cortés stated
152 that over seven million hits were received on Election Day and during the peak over 850
153 hits occurred every second. Commissioner Cortés thanked the entire IT team for their
154 efforts and reported that other states are looking to Virginia as a leadership example.

155 Commissioner Cortés stated that there were 2036 provisional votes in the Democrat
156 Primary and 1456 provisional votes’ casts in the Republican Primary. Chairman Alcorn
157 asked how many provisional voters were counted. Commissioner Cortés stated this
158 information will be reported in the future and this issue will be emphasized during annual
159 training. Commissioner Cortés stated that the on-line absentee application requests were
160 made available to voters prior to the election and the program was a success.
161 Commissioner Cortés stated that this option was promoted through social media and
162 without a budget; ELECT is pleased to report that 43% of the application requests for the
163 Republican Party came through the state citizens’ portal and the Democrat Party
164 experienced a 52% request rate. ELECT is leveraging all the technology available to meet
165 the requests of the voters. Chairman Alcorn thanked ELECT for their work and requested
166 the number of provisional ballots that were counted so that trends can be analyzed.

167 Commissioner Cortés stated that ELECT invited several localities to attend the
168 SBE meeting as part of “Lessons Learned”. Commissioner Cortés stated that Franklin
169 County had a ballot printing error of absentee ballots. The General Registrar had a
170 scheduling conflict but did provide an analysis of the situation. Their response and
171 resolve was rapid, forthright, and appropriate. The error was caught during ballot
172 proofing at ELECT and at the local level. There were approximately 17 voters affected
173 and new ballots with the corrected information were generated and mailed.

174 Commissioner Cortés stated that the City of Hampton had an issue with absentee
175 ballots. Commissioner Cortés stated that the vendor sent a packet of test marked ballots
176 for L & A testing and those ballots accidentally were sent to voters who requested absentee
177 ballots. Commissioner Cortés stated that the General Registrar, Tara Morgan and the
178 vendor representative for PrintElect, Gary Fox, were present and available for questions.

179 Tara Morgan, General Registrar of the City of Hampton approached the podium.
180 Ms. Morgan explained the situation and circumstances around the test ballots accidentally
181 being mailed to voters. Ms. Morgan stated that she notified her electoral board
182 immediately regarding the error. Ms. Morgan explained that an envelope of test ballots
183 was unknowingly included in the box of ballots received by the General Registrars’
184 Office. Ms. Morgan stated that Terry Wagoner, ELECT Absentee Ballot Coordinator,
185 came to the office and assisted with the reconciliation of ballots and assisted with the

186 resolve. The City of Hampton Electoral Board Members thanked Ms. Wagoner for her
187 assistance and spirit of calm resolve. ELECT drafted a letter that was sent to all absentee
188 voters regarding the situation asking the voters to call the office. Ms. Morgan stated that
189 additional training will be conducted with the local absentee ballot coordinator. Ms.
190 Morgan apologized for the error and any inconvenience cause to the voters. Chairman
191 Alcorn expressed that SBE was appreciative of the collaborative effort and the ownership
192 accepted by the City of Hampton regarding the error. Chairman Alcorn stated that the
193 “Lesson Learned” was that absentee ballots should be mailed separately. Vice Chair
194 Wheeler stated that all the localities will learn from this error and Ms. Morgan will look
195 to the City of Hampton as a leader.

196 Gary Fox, PrintElect Representative, approached the podium. Mr. Fox stated that
197 hence forward the test ballots will be mailed in a separate container marked clearly as
198 coding material. Mr. Fox explained that the ballots are marked in advance so that the
199 locality can test their equipment prior to Election Day. Mr. Fox provided samples of the
200 test ballots to the Board Members and stated that the text “Test” will be clearly mark in
201 the two upper corners of the test ballot. Commissioner Cortés stated that ELECT is
202 developing new protocols that will assist general registrars as they transition to paper
203 based ballot systems.

204 Commissioner Cortés stated that there were ballot printing issues on Election
205 Day, noting that Arlington County experienced the need to print emergency ballots for
206 their voters due to a shortage of ballots. Commissioner Cortés stated that Arlington
207 County General Registrar, Linda Lindberg, was invited to this meeting to discuss
208 “Lessons Learned” and declined the invitation sending a letter indicating this intent.
209 Commissioner Cortés stated that the localities were asked to print extra ballots as there
210 was an indication that there was a probability of high voter turnout. Commissioner
211 Cortés requested that Mr. Stenbjorn address the situation of ballot printing.

212 Mr. Stenbjorn stated that ELECT reviewed the historical data on voting trends in
213 other states similar to Virginia and ELECT noted that some localities experienced 40%
214 voter turnout. ELECT reviewed localities that did not order ballots to cover at least 60%
215 of their voters. Chairman Alcorn stated that SBE does have the authority to review ballot
216 orders, and the risks are too high for issues, if the right amounts of ballots are not

217 ordered. Vice Chair Wheeler inquired if any of the localities ran out of ballots.
218 Commissioner Cortés stated that Arlington County ran out of preprinted ballots and did
219 have to use emergency ballots. These ballots had to be hand counted at the close of polls.
220 Secretary McAllister asked about the cost of printing ballots. Commissioner Cortés stated
221 that the costs were nominal: approximately \$00.20 per ballot. Commissioner Cortés
222 stated that a record setting turnout will occur this November and the Department will
223 recommend that localities order ballots at a ratio of 100% of their registered voters.
224 Commissioner Cortés stated that emails were sent to the field regarding the information
225 on printing emergency ballots and monitoring precincts for the need of those ballots.
226 Commissioner Cortés invited Greg Riddlemoser, General Register of Stafford County to
227 the podium to discuss his counties preparation for Election Day.

228 Mr. Riddlemoser approached the podium. Mr. Riddlemoser stated that Stafford
229 County is a paper based system and it is difficult to monitor voter turnout. Mr.
230 Riddlemoser stated that they order 40% for each party's primary. Mr. Riddlemoser stated
231 that the timing of ordering the ballots from the vendor is essential. Mr. Riddlemoser
232 stated that you could have a logistical problem if the number of ballots ordered does not
233 fit the needs of the precincts which are difficult to predict. Mr. Riddlemoser stated that in
234 the *Code* and in guidance a pdf of the ballot is down loaded on to the computer. Mr.
235 Riddlemoser stated that when the precinct would call with an issue the office would
236 check the voter turnout numbers and therefor monitoring and constant analysis of
237 available ballot numbers was occurring throughout the day. Mr. Riddlemoser stated that it
238 is important to have a printer source available and the support of the emergency
239 management department. Mr. Riddlemoser stated that it is important to have all resources
240 and support on alert in case the plan for delivery is activated. Chairman Alcorn noted that
241 the plan Mr. Riddlemoser had in place for the printing of emergency ballots was excellent
242 and the relationships with local authority was commendable. Chairman Alcorn asked if
243 there were any other suggestions. Mr. Riddlemoser stated that it is important for general
244 registrars to have the financial support of their localities. Secretary McAllister asked if
245 the pool of election officers was high enough to support the upcoming elections in 2016.
246 Mr. Riddlemoser stated that all localities need assistance with the recruitment and
247 retention of election officers. Commissioner Cortés stated that ELECT has entered into a

248 partnership with the Bipartisan Policy Center (BPC) which will assist with data tracking
249 on varying parameters; such as how many people were in line. This will assist with trends
250 and patterns that effect the polling locations as related to Election Day preparation.
251 Chairman Alcorn thanked Mr. Riddlemoser for his time and sharing of information to
252 benefit the election community.

253 Chairman Alcorn moved *that SBE go into recess until 12:50PM*. Vice Chair Wheeler
254 seconded the motion and without public comment the Board unanimously approved the
255 motion. The Board went into recess at 12:35PM. Chairman Alcorn moved *that the Board*
256 *reconvene at 12:55PM*. Vice Chair Wheeler seconded the motion and without public
257 comment the Board unanimously approved the motion.

258 The next order of business was a presentation by Clyde Mathews, Legal Director of
259 the Disability Law Center of Virginia (DLCV). Mr. Mathews stated that states are required
260 by law to designate a protection advocacy program for the rights of people with disabilities.
261 Mr. Mathews provided an overall of the program and stated that the agency assists general
262 registrars on ADA compliance. Mr. Mathews stated that the staff visited 31 localities and
263 surveyed 202 polling locations on March 1, 2016. Mr. Mathews provided summaries of the
264 findings stating that 20% of the sites were not accessible. Mr. Mathews stated that each of the
265 General Registrar's surveyed will receive a detailed letter outlining the findings of DLCV.
266 The goal of the program is to improve ADA accessibility before Election Day. Mr. Mathews
267 stated that hopefully site selection will improve regarding accessibility. Mr. Mathews stated
268 that: (i) SBE should impress upon the General Registrar's that it is their legal responsibility
269 to select polling sites that comply with ADA, (ii) SBE should allow access to all polling
270 locations to access suitability under ADA, and (iii) if SBE through a policy statement, could
271 recognize DLCV has a role in assuring that the polling locations are ADA accessible. Mr.
272 Mathews noted that during the visits several election officials, when asked: "how would a
273 voter exercise curbside voting at this location and do you have an alternative voting machine
274 available for persons with visual impairments?" did not have clear guidance or did not know
275 how to operate the curbside voting equipment. Mr. Mathews stated that DCLV received
276 three complaints regarding accessibility on Election Day.

277 Chairman Alcorn inquired if there were HAVA funds available to assist the localities
278 in meeting ADA requirements. Commissioner Cortés stated that funding is almost depleted
279 and the localities did receive reimbursement monies to cover ADA equipment already

280 purchased. Secretary McAllister thanked Mr. Mathews for the information and stated that it
281 is important that Virginia is compliant with the ADA to serve all voters in the
282 Commonwealth. Commissioner Cortés stated that the Department of Justice has been
283 increasing ADA enforcement and voters often do not know about the availability of
284 equipment. Commissioner Cortés stated that it would be beneficial for SBE to provide
285 direction and access to polling locations through regulations as there are entities that need
286 access in order to meet their legal mandates. Commissioner Cortés stated that there needs to
287 be a greater focus on accessibility. SBE Board Members thanked Mr. Mathews for his time
288 and dedication to the efforts of increasing awareness of the accessibility and for his concern
289 for the voters of the Commonwealth. Chairman Alcorn asked if there were any public
290 comments. Walt Latham, York County General Registrar and Greg Riddlemoser, Stafford
291 County General Registrar provided public comment.

292 The next order of business was the General Registrar’s Full-Time Request presented
293 by Martin Mash, ELECT Policy Advisor. Mr. Mash stated that Charles City County, City of
294 Covington, and the City of Emporia Electoral Boards have requested temporary full-time
295 status for their general registrars. Chairman Alcorn moved *that the Board approve the*
296 *requests from the Electoral Boards for the three localities for the time period noted in the*
297 *Board Working Papers*. Vice Chair Wheeler seconded the motion and without public
298 comment the Board unanimously approved the motion.

299 The next order of business was the Periodic Review of Regulation – Chapters 60 &
300 80 presented by Myron McClees, ELECT Policy Analyst. Mr. McClees stated that the
301 periodic review started in 2013. Mr. McClees stated that the request is to place these two
302 chapters out for public comment to review out dated terminology and change of name from
303 the State Board of Elections to the Department of Elections. Mr. McClees review the changes
304 needed as a result of litigation and legislation. Mr. McClees stated that guidance was sought
305 from the Office of the Attorney General to ensure that the process was complete and
306 conducted correctly. Commissioner Cortés stated that the comments received will be
307 presented to SBE for consideration and the Board will vote on final adoption. Vice Chair
308 Wheeler requested that a communication be sent to the field to notify the elections
309 community of the open comment period. Chairman Alcorn moved *that the Board seek public*
310 *comment, for a period of 21 calendar days, on the proposed amendments to its regulations in*
311 *Chapters 60 & 80 to implement recommendations received from the Department of Elections.*

312 Secretary McAllister seconded the motion. Chairman Alcorn asked if there was public
313 comment. Greg Riddlemoser, Stafford County General Registrar and Walt Latham, York
314 County General Registrar provided comment. Chairman Alcorn asked if there were
315 additional comments and there were none. The Board unanimously approved the motion.

316 The next order of business was the Recodification of §24.2, Election Laws, presented
317 by Martha Brissette, ELECT Policy Analyst. Ms. Brissette stated that recodification of §24.2
318 occurred in 1970 & 1993. Ms. Brissette stated that during the January 2016, SBE meeting the
319 subject of recodification was discussed as a result of the GREB Workgroup charge for 2016.
320 SBE requested additional details regarding the process. Ms. Brissette provided an example of
321 the need to recodify that is a result of technological changes over the last 20 years. Ms.
322 Brissette stated that the complexity of the code hinders compliance. Ms. Brissette stated that
323 the process can take about two years. Ms. Brissette stated that the Virginia Division of
324 Legislative Services (DLS) provides staff support. Ms. Brissette stated that the ELECT staff
325 would have a labor intensive effort to update the guidance documents once the recodification
326 occurred. SBE expressed concern that the recodification effort would occur prior to the
327 November 2016 elections and task the ELECT staff at an inappropriate time. Ms. Brissette
328 stated that the letter to the Virginia Code Commission could request a start time. Chairman
329 Alcorn moved *that the Board direct the Commissioner to prepare a letter to the Chair of the*
330 *Virginia Code Commission requesting recodification of Title 24.2 as soon as the*
331 *Commission's schedule will allow and offering the support of the Department of Elections*
332 *policy team.* Vice Chair Wheeler seconded the motion and without public comment the Board
333 unanimously approved the motion.

334 The next order of business was the 2016 Presidential Election Preparation and
335 Planning presented by James Alcorn, SBE Chairman. Chairman Alcorn stated that the
336 process of establishing the goals of SBE over the next year was discussed previously.
337 Chairman Alcorn stated that he previously asked the election community for a list of
338 priorities for SBE for the upcoming year. The comments and suggestions have been compiled
339 into a document presented to members. Chairman Alcorn discussed the top three to five
340 topics to address. Chairman Alcorn stated that it is important to realize that there is a
341 difference between what the Department will complete and what SBE will address. Chairman
342 Alcorn stated that each SBE member will be assigned different topics similar to the
343 workgroups with each member having input with each of the workgroups. SBE members

344 discussed each of the opportunities for development. Chairman Alcorn asked for public input
345 regarding the selection of topics.

346 Robin Lind, Goochland County Electoral Board Secretary stated that the most
347 important subject is funding to ELECT, as currently, the lack of funding is hindering the
348 efforts of the Department. Commissioner Cortés stated that the message that ELECT is
349 suffering is clear and the proposed budget does have funds for outreach. The Department is
350 preparing for the shift away from HAVA monies and ELECT is developing programs to
351 allow in-house technology that will generate savings to the agency. Commissioner Cortés
352 stated that the Governors' Office is supportive and when a need arises they have provided the
353 resources. ELECT has worked diligently to educate the General Assembly and its' members
354 on the budget concerns of the agency and how it relates to existing needs and future needs
355 with newly enacted legislation.

356 Felix Sarfo-Kantanka, Deputy Secretary of Administration (SOA), approached the
357 podium. Mr. Sarfo-Kantanka stated that the time and efforts of the SBE members is valuable
358 and there are times when the SOA will reach out to ELECT and times the SOA will reach out
359 to members of SBE. Mr. Sarfo-Kantanka stated that all stakeholders are involved on matters
360 of legislation.

361 Chairman Alcorn concluded the discussion on the assignment of topic areas for board
362 members to adopt.

363 SBE Board members chosen assignments:

- 364 ❖ Chairman James Alcorn – Voter Registration Application-Substantial
365 Compliance
- 366 ❖ Vice Chair Clara Belle Wheeler – Education & Training
- 367 ❖ Secretary Singleton McAllister – Polling Place Selection – ADA Compliance

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369 Commissioner Cortés stated that ELECT will be in contact with SBE members to
370 brief members on what the Department has initiated in each of the chosen areas and a
371 discussion of timeline and goals will ensue.

372 Chairman Alcorn asked if there were any public comments. Bill Bell, Isle of
373 Wright Electoral Board Secretary and Greg Riddlemoser, Stafford County General
374 Registrar provided comment.

375 Chairman Alcorn asked if there were additional public comments and there were none.

376 Chairman Alcorn moved *that the Board adjourn*. Secretary McAllister seconded
377 the motion and without further comment the Board voted unanimously to adjourn.

378 The meeting was adjourned at approximately 4:35PM. The Board shall
379 reconvene on April 9, 2016 at 8:45AM in Hot Springs-Homestead, Virginia.

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Secretary

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Chair

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Vice Chair

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1 MINUTES

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3 The State Board of Elections Board Meeting was held on Thursday, April 28,
4 2016. The meeting was held in the General Assembly Building, Richmond, Virginia –
5 Room C. In attendance, representing the State Board of Elections (SBE) was James
6 Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary.
7 Also in attendance, representing the Department of Elections (ELECT) was Edgardo
8 Cortés, Commissioner; Elizabeth Howard, Deputy Commissioner; Martin Mash, Policy
9 Advisor, and Rose Mansfield, Clerk. Anna Birkenheier, Assistant Attorney General and
10 Counsel to SBE and ELECT attended. Chairman Alcorn called the meeting to order at
11 11:00AM.

12 Chairman Alcorn stated that this was the first SBE Meeting since the passing of
13 “Our Beloved Martha Brissette”, ELECT Policy Analyst. Chairman Alcorn stated that
14 Martha was dedicated to the election process, voters, and to anyone who needed help.
15 Chairman Alcorn called for a moment of silence in memory of Martha who was loved by
16 all that came to know her and that she is deeply missed.

17 The first order of business was the approval of the minutes from the State Board
18 of Elections Board Meetings held on March 15, 2016, and April 9, 2016. Chairman
19 Alcorn asked if board members had any additions or corrections to the Board Meeting
20 minutes as presented. Chairman Alcorn stated that changes had been submitted to the
21 Clerk for March 15, 2016 minutes. Secretary McAllister moved *to adopt the minutes for*
22 *the March 15, 2016, and the April 9, 2016 meetings as amended and or presented.* Vice
23 Chair Wheeler seconded the motion. The Board unanimously approved the motion.

24 The next order of business was the Commissioner Report presented by Edgardo
25 Cortés, ELECT Commissioner. Commissioner Cortés thanked the election community
26 for their kind words of support regarding the passing of Ms. Brissette.

27 Commissioner Cortés stated that the Governor designated, April 24-30, 2016 as
28 High School Registration Week and presented a proclamation from the Governor to SBE
29 Board Members. Commissioner Cortés stated that this is an effort to encourage young
30 people to get involved in the process. Commissioner Cortés stated that those individuals
31 who are 17 years of age can register to vote early and vote in the Presidential Election if

32 they have reached their 18th birthday by Election Day, November 8, 2016. Commissioner
33 Cortés thanked the general registrars’ offices and the civic organizations that have
34 conducted registration drives and who have spent time with the students discussing the
35 importance of civic participation. ELECT has worked with the Department of Education
36 and thank them for their support and assistance.

37 Commissioner Cortés stated that the ELECT social media sites have experienced
38 increased usage by the public. Commissioner Cortés thanked Tanya Pruett and Rob
39 Vance, ELECT staff members, for their efforts to maintain these sites and noted that the
40 increase in usage, over the past year, is at 3,500%.

41 Commissioner Cortés stated that the Governors’ Restoration of Rights Order will
42 not affect the process that the general registrars’ perform at the local level. ELECT is in
43 the process of transferring the data for use by the general registrars and will be complete
44 by week’s end. Commissioner Cortés stated that once the Governors’ order was issued
45 the general registrars’ were immediately notified of any impact on the local offices.
46 Commissioner Cortés stated that ELECT is working directly with the Secretary of the
47 Commonwealth’s (SOC) Office to restore the rights of all eligible individuals.
48 Commissioner Cortés asked if there were any questions.

49 Vice Chair Wheeler inquired: “If the Governors’ order is rescinded, and ELECT
50 has to remove people from the list, is there a procedure in place to handle this situation?”
51 Commissioner Cortés stated that the general registrars’ have legal responsibility to
52 process the registration forms and the Governor has the right under the constitution to
53 restore rights to the citizens of the Commonwealth. Commissioner Cortés stated that a
54 process is currently in place to transfer data to and from the SOC’s office.

55 Commissioner Cortés stated that the sunset date for touch screen voting
56 equipment usage in the Commonwealth has been set for July 1, 2020. Commissioner
57 Cortés provided a visual of the voting equipment that highlighted were the equipment
58 was still in use in the Commonwealth and noted that a letter has been sent to the localities
59 to plan appropriately.

60 Commissioner Cortés stated that the final budget moves existing part-time
61 registrars to full –time status across the Commonwealth. This change is effective on July
62 1, 2016. Commissioner Cortés stated that a packet of information regarding this change

63 will be headed to the localities in the near future. Commissioner Cortés noted that the
64 funding reimbursement will not be at 100%. Commissioner Cortés stated that in the
65 communications to the localities it will be noted that the change to full-time status for the
66 general registrars does not negate the need to maintain the assistant general registrars
67 staffing levels.

68 Commissioner Cortés stated that the General Assembly did not approve the
69 budget request for a call center for the November 2016 election. Commissioner Cortés
70 stated that activating a call center for the presidential primary was instrumental in
71 effectively serving the voters' of the Commonwealth. Commissioner Cortés stated that
72 the call center was able to handle the increase in the volume of calls related to the
73 election. Commissioner Cortés asked if there were additional questions and there were
74 none.

75 The next order of business was the Campaign Finance Updates presented by
76 Brooks Braun, ELECT Policy Analyst. Mr. Brooks stated that a complaint was received
77 at the Department of Elections alleging that Supporters of Jacqueline Smith for Clerk of
78 the Circuit Court had distributed pamphlets and posted a website with disclosure
79 statements that deviate from those required by statute. Mr. Brooks stated that ELECT
80 recommends a fine for each of three different improperly disclosed pamphlets, and an
81 additional civil penalty for an improperly disclosed website. Chairman Alcorn asked if
82 Ms. Smith was present.

83 Ms. Smith approached the podium with legal counsel, Jonathan Francis. Mr.
84 Francis reviewed the details of the complaint and the related code sections. Mr. Francis
85 expressed doubt that the disclosure statement was in violation of Virginia's Stand by
86 Your Ad Law. Mr. Francis noted that the local commonwealth attorneys' office reviewed
87 the complaint and dismissed the issue. Mr. Francis stated that the disclosure was present
88 and that the matter should be dismissed by SBE. SBE members discussed the particulars
89 of the violation and determined that there were two separate issues with one issue being
90 in violation of the *Code*. Vice Chair Wheeler moved *that subject to the Board's authority,*
91 *Supporters of Jacqueline Smith for Clerk of the Circuit Court has be found in violation of*
92 *the print media disclosure requirements on two instances and a fine will be assessed for*

93 \$200.00. Secretary McAllister seconded the motion and without further comment the
94 Board unanimously approved the motion.

95 The next order of business was the Voter Registration Form presented by
96 Commissioner Cortés. Commissioner Cortés stated that at the May 13, 2015 SBE
97 meeting ELECT proposed a revised Virginia Voter Registration Application and changes
98 to the associated regulations. Commissioner Cortés stated that the proposed form and
99 regulations were published on Virginia Town Hall and in the Virginia Register for public
100 comment. The public comment period was extended multiple times and written
101 comments were accepted through August 3, 2015. Commissioner Cortés stated that
102 additional public comments were received at the June 22, 2015 and July 28, 2015 public
103 meetings of the State Board of Elections. ELECT has reviewed all oral and written
104 comments from voters, election officials, legislators, nonprofit organizations, members of
105 the public, and SBE.

106 Commissioner Cortés stated that during the 2016 legislative session, the General
107 Assembly passed two bills that Governor McAuliffe signed into law requiring revisions
108 to the Virginia Voter Registration Application by July 1, 2016. Commissioner Cortés
109 stated that after making various revisions in response to statutory changes and numerous
110 public comments, the Department consulted usability experts and performed usability
111 testing to assess contemplated Revisions. The final revised Virginia Voter Registration
112 Application and associated regulation incorporating public comments and feedback from
113 usability experts are included in the Board Working Papers and are presented for final
114 consideration and adoption by SBE members. Commissioner Cortés stated that the
115 proposed form was field tested for usability. Commissioner Cortés stated that the
116 application presented today has streamlined the application for the purpose of making it
117 easier for eligible Virginians to register to vote. Commissioner Cortés stated the proposed
118 application contains all the required information to determine if an applicant is eligible.
119 Commissioner Cortés reviewed the changes on the application and the associated
120 regulation, by section, in detail. Commissioner Cortés asked if there were any questions.

121 Chairman Alcorn asked for the detailed implementation plan, for the new
122 registration form, set for July 1, 2016. Commissioner Cortés stated that once the Board
123 approves the form, distribution of the form will be sent to the general registrars' and the

124 designated agencies prior to the July 1, 2016 deadline. Commissioner Cortés stated that
125 ELECT will update the online registration portal, ELECT training and associated
126 materials. Commissioner Cortés asked if there were additional questions. SBE members
127 and the Commissioner conducted a question and answer exchange related to the proposed
128 changes on the form and regulation. SBE members submitted formatting and verbiage
129 changes to the Commissioner for implementation prior to the release of the new proposed
130 form. Chairman Alcorn asked if there were public comments.

131 Comments were received by the following individuals: Greg Riddlemoser,
132 General Registrar of Stafford County; Bill Bell, Electoral Board Secretary of Isle of
133 Wright; Tracy Howard, President of the Voter Registrars Association of Virginia; Robin
134 Lind, Electoral Board Secretary of Goochland County; Larry Haake, General Registrar of
135 Chesterfield County; Senator Thomas “Tom” Garrett, Virginia District 22; Jake
136 Washburne, General Registrar of Albemarle County; Anna Scholl, Executive Director of
137 Progress Virginia, and Michelle Kanler Cohen, Election Counsel-Project Vote.

138 Chairman Alcorn moved *that the proposed affirmation on the proposed Virginia*
139 *Voter Registration Application be stricken and the existing affirmation be utilized.*
140 Secretary McAllister seconded the motion. Chairman Alcorn asked if there were
141 additional comments and there were none. Commissioner Cortés added a formatting
142 clarification. Vice Chair Wheeler stated that the General Registrars have expressed grave
143 and serious concerns over the proposed voter registration form. Vice Chair Wheeler
144 stated that serious consideration should be given to not changing a form during a
145 presidential election year. Vice Chair Wheeler stated that the Board has not had enough
146 time to review this form and this consideration should be tabled. Chairman Alcorn stated
147 that he appreciated the feedback. A roll call vote was taken on the motion: Chairman
148 Alcorn, Yea; Vice Chair Wheeler, Abstain; Secretary McAllister, Yea. The motion
149 passed 2-0. Vice Chair Wheeler moved *that the Board keep the information and continue*
150 *to use the current application and reconvene the workgroup after the November*
151 *elections.* The motion failed for lack of a second. Chairman Alcorn moved *that the Board*
152 *adopt the changes proposed by the Department of Elections to the Virginia Voter*
153 *Application Form and associated regulations as amended and discussed at today’s SBE*
154 *meeting.* Secretary McAllister seconded the motion. Chairman Alcorn asked if there was

155 any discussion and there was none. A roll call vote was taken on the motion: Chairman
156 Alcorn, Yea; Vice Chair Wheeler, Nay; and Secretary McAllister, Yea. The motion
157 passed 2-1.

158 Chairman Alcorn moved *that the Board adjourn*. Secretary McAllister seconded
159 the motion. Chairman Alcorn asked if there was any discussion and there was none. A
160 roll call vote was taken on the motion: Chairman Alcorn, Yea; Vice Chair Wheeler, Nay;
161 and Secretary McAllister, Yea. The motion passed 2-1.

162 The meeting was adjourned at approximately 2:25PM. The Board shall
163 reconvene on May 11, 2016 at 10:00AM in Richmond, Virginia – GAB-Room C.

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Secretary

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Chair

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Vice Chair

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1 MINUTES – Adopted by SBE-November 21, 2016-Final

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3 The State Board of Elections Board Meeting was held on Tuesday, August 30,
4 2016. The meeting was held in the General Assembly Building, Richmond, Virginia –
5 Room C. In attendance, representing the State Board of Elections (SBE) was James
6 Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary.
7 Also in attendance, representing the Department of Elections (ELECT) was Edgardo
8 Cortés, Commissioner; Elizabeth Howard, Deputy Commissioner; Martin Mash, Policy
9 Advisor, and Rose Mansfield, Clerk. Anna Birkenheier, Assistant Attorney General and
10 Counsel to SBE and ELECT attended. Chairman Alcorn called the meeting to order at
11 1:00PM.

12 The first order of business was the approval of the minutes from the State Board
13 of Elections Board Meetings held on April 28, 2016, June 28, 2016, and August 10, 2016.
14 Chairman Alcorn asked if board members had any additions or corrections to the Board
15 Meeting minutes presented. Vice Chair Wheeler discussed suggested format changes to
16 the meeting minutes of June 28, 2016 regarding public comments. SBE members tabled
17 the minutes from the June 28, 2016 pending a review from the Clerk. Secretary
18 McAllister moved *that the Board approve the minutes from the April 28, 2016 and*
19 *August 10, 2016 meeting.* Vice Chair Wheeler seconded the motion and the Board
20 unanimously approved the motion.

21 The next order of business was the Commissioner Report presented by Edgardo
22 Cortés, ELECT Commissioner. Commissioner Cortés introduced ELECT Policy Analysts
23 Joe Stanley and Arielle Schneider who recently joined the ELECT Team. Commissioner
24 Cortés announced that long-term ELECT Team Member, Vanessa Archie would be
25 joining the General Registrars' Liaison Team. Commissioner Cortés stated that ELECT
26 recently hosted a Contingency of Operation Plan (COOP) meeting with state partners in
27 preparation for the November Elections. Commissioner Cortés stated that this is an
28 ongoing project and the support provided by state partners contributes to the success of
29 the elections. Commissioner Cortés stated that ELECT joined other state election
30 officials for informational conferences conducted by the Department of Homeland
31 Security regarding the issue of cyber security. Commissioner Cortés stated that ELECT is

32 additionally, working with VITA and the FBI in partnership with the Secretary of
33 Homeland Security to ensure the security of information and equipment. Commissioner
34 Cortés stated that ELECT has provided guidance to the localities regarding the ordering
35 of ballot orders to include the quantities depending on the equipment being utilized by the
36 locality. Commissioner Cortés asked if there were questions.

37 SBE members exchanged information regarding the information presented and
38 scenarios related to the situations that may occur on Election Day, November 2016.
39 Chairman Alcorn suggested that ELECT send communications to the field and the public
40 regarding Election Day preparations. Commissioner Cortés stated that the Governor sent
41 a message to all state employees about volunteering to act as an officer of election in
42 support of Election Day and the ELECT website is promoting the recruitment of these
43 officers. Commissioner Cortés stated that Nancy Rodrigues, Secretary of Administration
44 has been communicating with major employers, in the Commonwealth, regarding
45 volunteer opportunities. Secretary McAllister stated that it is important that SBE and the
46 Commonwealth stay informed about the ADA accessibility regulations to ensure
47 compliance on Election Day. Commissioner Cortés stated that ELECT is reviewing
48 public comments associated to the regulations. Recommendations are being compiled and
49 will be presented to the Board on October 4, 2016.

50 The next order of business was the Campaign Finance Updates presented by
51 Brooks Braun, ELECT Policy Analyst. Mr. Brooks stated that at the SBE meeting on
52 January 8, 2016, SBE heard the matter of a complaint received from the Republican Party
53 of Virginia alleging that Friends of Gary McCollum failed to appropriately disclose
54 certain campaign contributions in violation of the Campaign Finance Disclosure Act. It
55 was alleged that Mr. McCollum continued receiving payments from his employer during
56 a specified period in which he was campaigning for an elective office. Mr. Brooks stated
57 that Chairman Alcorn directed the Department to notify the commonwealth attorney's
58 office regarding this matter and to update SBE when a determination is made. On January
59 21, 2016, a letter was sent to Mr. Collin Stolle, Commonwealth's Attorney for the City of
60 Virginia Beach. The letter included all correspondence received by the Department of
61 Elections concerning this matter and stated that the Board had decided to forgo any
62 hearings regarding the matter until the Mr. Stolle's office had concluded its review. The

63 letter also asked that Mr. Stolle keep the Board updated as to the disposition of the
64 matter. The Department has received no further contact from the Commonwealth's
65 Attorney for the City of Virginia Beach. On July 22, 2016, Mr. Johnathon Schronce,
66 attorney for Mr. McCollum, contacted the clerk and asked that a letter from another
67 attorney for Mr. McCollum, Mr. Whitt Clement, be presented to the Board for a decision
68 at the August 30, 2016 meeting, included in the Board materials. In this letter Mr.
69 Clement asks the Board to consider the matter resolved if Mr. McCollum files an
70 amended report accounting for previously omitted payments. The letter asserts that the
71 Commonwealth's Attorney for the City of Virginia Beach has agreed that such an action
72 would resolve the matter. Chairman Alcorn asked if a representative from the McCollum
73 campaign was present.

74 Johnathon Schronce, Attorney for Gary McCollum approached the podium. Mr.
75 Schronce stated that Mr. McCollum believes that no further disclosure is required under
76 the *Code* however; is willing to file a supplemental report to bring closure to the
77 situation. Mr. Schronce reported that he had spoken with the Commonwealth's Attorney,
78 City of Virginia Beach, Colin Stolle, regarding the situation and believes that a
79 supplemental report would resolve the matter. Chairman Alcorn stated that the core
80 question before the Board is whether an employer's continuing the pay of a candidate
81 constitutes a campaign donation; if the candidate is campaigning verses working.
82 Secretary McAllister stated that the resolve will set precedent and it is important to have
83 a response to the letter sent to the Commonwealth's Attorney, as requested by SBE. Vice
84 Chair Wheeler stated that there is concern that a reply has not been received by SBE and
85 a statement from that office is required rather than a message relayed by an attorney
86 representing Mr. McCollum. Chairman Alcorn moved *that this item be tabled without*
87 *further discussion until a response is received by the Commonwealth's Attorney's Office*
88 *of Virginia Beach*. Secretary McAllister seconded the motion and without public
89 comment the Board agreed to table the agenda item.

90 The next order of business was the Ballot Drawing for the November 8, 2016
91 election presented by Reiko Doğu, Senior Elections Administrator. Ms. Doğu explained
92 the process and the ballot order drawing was conducted by SBE Members. The official
93 ballot order drawn by SBE Board Members:

- 94 1. Democrat
- 95 2. Republican
- 96 3. Libertarian
- 97 4. Green
- 98 5. Constitution
- 99 6. Independent Green

100

101 Chairman Alcorn moved *that the Board certify the determination by lot of the*
102 *order of political parties, recognized political parties and other groups to determine the*
103 *ballot sequence of party candidates on the November 8, 2016 General Election ballot.*

104 Vice Chair Wheeler seconded the motion and without public comment the Board
105 unanimously approved the motion.

106 The next order of business was the Independent Candidate Petition Update
107 provided by Paul Stenbjorn, Director of Elections Administration. Mr. Stenbjorn stated
108 that the filing deadline for the petitions for the independent presidential candidates was
109 Friday, August 26, 2016 at noon. Mr. Stenbjorn reported that ELECT received a
110 substantial amount of petitions from four party candidates. Additionally, ELECT
111 received petition signatures from two independent candidates. Mr. Stenbjorn stated that
112 the Department is evaluating the signatures and expects to have the process completed by
113 Friday, September 2, 2016. Mr. Stenbjorn stated that if a candidate petitions are deficient
114 ELECT will notify the organization and the organization has seven days to request a
115 hearing by the Board to review the petitions deficiency. Vice Chair Wheeler asked when
116 the ballots will be approved so that the printers can begin their tasking. Mr. Stenbjorn
117 stated that the goal is to have the information to the printers no later than Friday,
118 September 2, 2016. Mr. Stenbjorn stated that ELECT has communicated with the printers
119 and they have indicated that this date is sufficient to meet their deadlines. Mr. Stenbjorn
120 noted that previously petitions were sent to the localities for verification. Mr. Stenbjorn
121 stated that in this situation, because of the time restraints, the verification process
122 occurred at the Department.

123 The next order of business was the candidate extension presented by Paul
124 Stenbjorn, Director of Elections Administration. Mr. Stenbjorn stated that Jaynel
125 Pittman-Shaw who was a candidate for the City of Richmond-School Board Seat, has
126 submitted a letter to the Board requesting an extension of the filing deadline for the

127 Statement of Economic Interest absent in her required filings. Mr. Stenbjorn noted that
128 the decision to exclude her from the ballot was a local decision. Mr. Stenbjorn stated that
129 she is exercising her right under *Code* to ask SBE for an extension. Ms. Pittman-Shaw
130 approached the podium.

131 Ms. Pittman –Shaw asked SBE to grant an extension for the Statement of
132 Economic Interest that was missing from her filing materials for the seat in which she
133 sought. Ms. Pittman-Shaw stated that she confused this document with the financial
134 statement that had a June, 2016 deadline. Ms. Pittman-Shaw stated that because of this
135 error she has not been able to interact with the community as a candidate. Ms. Pittman-
136 Shaw stated that she respectfully requests and extension from SBE so that she can
137 complete the filling and be placed on the ballot. Chairman Alcorn thanked Ms. Pittman-
138 Shaw for her time. Chairman Alcorn inquired if there was historical data regarding the
139 Board granting an extension under the *Code* provision. Mr. Stenbjorn stated there was not
140 a precedent for granting an extension for the reason cited by Ms. Pittman-Shaw.
141 Chairman Alcorn moved *that SBE not grant the requested extension as requested by Ms.*
142 *Pittman-Shaw.* Vice Chair Wheeler seconded the motion and without public comment the
143 Board unanimously approved the motion.

144 The next order of business was the SBE Training Standards presented by Clara
145 Belle Wheeler, SBE Vice Chair. Vice Chair Wheeler stated that the training standards
146 were an effort of the GREB Workgroup. Vice Chair Wheeler called upon Larry Haake,
147 General Registrar of Chesterfield County to present the document. Mr. Haake stated that
148 the standards were developed in a generalized fashion so that the Department and the
149 localities could individually develop their guidelines. Mr. Haake stated that the subject
150 matters that required uniformity throughout the Commonwealth were assigned to the
151 Department; while the subject matters that were specific to the locality were assigned to
152 the locality. Mr. Haake stated that some subject matters, i.e. emergency response... were
153 assigned a shared value as both the Department and the locality would be response for the
154 training. Vice Chair Wheeler stated that she recommends that SBE accept the training
155 document and extend gratitude to the workgroup for the collaborative efforts. SBE
156 members reviewed the submitted training document and thanked the workgroup for their
157 efforts. Chairman Alcorn suggested a change in the local training standards section that

158 removes: “The training, when combined with standards developed by the Department of
159 Elections, shall be sufficient to produce an effective, error-free election.” from section
160 one and be change to “The *local* training, when combined with standards developed by
161 the Department of Elections, shall be sufficient to produce an effective, error-free
162 election.”. Vice Chair Wheeler moved *that the standards with the recommended changes*
163 *should be adopted and sent to the localities and the localities should utilize the standards*
164 *in their training of officers of elections for the upcoming elections*. Secretary McAllister
165 seconded the motion. Chairman Alcorn asked if there were any public comments.

166 Eric Payne, Citizen of the Commonwealth approached the podium and asked if
167 the public had the opportunity to review the document and provide comment before
168 consideration of adoption. Commissioner Cortés stated that the document presented was
169 not produced by the Department. Vice Chair stated that the document had not been
170 placed out for public comment as it is a compilation of the *Code*. Chairman Alcorn asked
171 if there were additional comments. Cameron Sasnett, General Registrar of Fairfax
172 County, approached the podium and stated that a training guide was needed to create
173 uniformity. Chairman Alcorn asked if there were additional public comments and there
174 were none. The Board unanimously passed the motion.

175 The next order of business was the Community Outreach Program update
176 presented by Susan Lee, Community Relations & Compliance Support Manager. Ms. Lee
177 stated that The Virginia Department of Elections (ELECT) has launched its *Virginia is*
178 *for Voters* outreach campaign in preparation for the November 8, 2016 Presidential
179 Election. ELECT developed the new *Virginia is for Voters* (VIFV) campaign slogan in
180 partnership with Virginia Tourism, along with the Virginia Department of Elections
181 tagline, “You Have Questions. We Have Answers.” Ms. Lee stated that The Virginia
182 Department of Elections’ Fall, 2016 Voter Outreach Plan has been developed to offer
183 statewide and regional voter outreach to complement and supplement voter outreach
184 efforts conducted by general registrars at the local level. The Fall, 2016 Voter Outreach
185 Plan includes a robust digital media campaign offered statewide across the
186 Commonwealth of Virginia, as well as an extensive traditional media campaign that
187 includes major media markets across the state. Ms. Lee outlined the components of the
188 Voter Outreach Campaign and played the video associated with the upcoming public

189 service announcements. Ms. Lee stated that ELECT has partnered with VDOT to help
190 get the message delivered through their conduits by utilizing signage with voter outreach
191 messages. Ms. Lee recognized Rob Vance, ELECT Web developer and Tanya Pruett,
192 ELECT Outreach Coordinator, for their efforts in creating a successful program. SBE
193 Members discussed the campaign and noted that the campaign was aggressive in
194 covering the Commonwealth, yet frugal in the expenditures. SBE Members thanked Ms.
195 Lee for the efforts of the Community Outreach Campaign.

196 The next order of business was the VERIS presentation presented by Matt Davis,
197 ELECT Chief Information Officer. Mr. Davis stated that VERIS is the statewide voter
198 registration and election management system for the Commonwealth. Mr. Davis provided
199 an overview of the history of the system to include the legal duties assigned to the
200 Department. Ms. Davis explained the different sub-systems in VERIS to include the other
201 applications VERIS feeds. Mr. Davis explained the interaction between VERIS and other
202 entities such as the Social Security Administration. Mr. Davis explained the ELECT
203 staffing structure designed to support the upcoming November election. Mr. Davis asked
204 if there were any questions. Chairman Alcorn asked what the challenges of the division
205 would be over the next couple years. Mr. Davis stated that data architecture will be a
206 challenge. Vice Chair Wheeler asked if we should feel confident that someone will not
207 hack into VERIS. Mr. Davis stated that the VERIS system has multiple layers of security.
208 Mr. Davis stated that the monitoring of the system is extensive and ELECT has
209 completed the tasks responsible for in protecting the system. Secretary McAllister stated
210 that the establishment of best practices is evolving and asked if ELECT is working with
211 other entities to protect the system. Mr. Davis stated that the systems being built within
212 the security framework is being built to best practices standards.

213 Chairman Alcorn asked if there were any public comments. Gary Fox, PrintElect
214 Representative expressed concern about the deadline for ballots and petition certification.
215 Michael O'Neill, Landmark Legal Foundation-Legal Counsel expressed concern
216 regarding the cross-check programs and a letter that was sent to SBE. Larry Haake,
217 General Registrar of Chesterfield County, expressed that the introduction of the cross-
218 check removal of voters is not acceptable and troublesome. Cameron Sasnett, General
219 Registrar of Fairfax County, stated that he didn't like that the actual comments made

220 during the public comment period ,during the Homestead meeting, were not recorded in
221 the official minutes. Chairman Alcorn asked if there were additional public comments
222 and there were none. Chairman Alcorn directed the Clerk to insert the late arriving letter
223 from Delegate Landes into the working papers.

224 Chairman Alcorn asked if there were comments. Vice Chair discussed the
225 content of Delegate Landes' letter.

226 Chairman Alcorn moved *that the Board adjourn*. Secretary McAllister seconded
227 the motion and without further comment the Board voted unanimously to adjourn.

228 The meeting was adjourned at approximately 4:00PM. The Board shall
229 reconvene on October 4, 2016 at 10:00AM in Richmond, Virginia – GAB-Room C.

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Secretary

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Chair

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Vice Chair

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1 MINUTES

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3 The State Board of Elections Board meeting was held on Wednesday, January 18,
4 2017. The meeting was held in the Martha Brissette Conference Room in the George
5 Washington Building, Richmond, Virginia. In attendance, representing the State Board of
6 Elections (SBE) was James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and
7 Singleton McAllister, Secretary. Also in attendance, representing the Department of
8 Elections (ELECT) was Edgardo Cortés, Commissioner; Elizabeth Howard, Deputy
9 Commissioner, and Paul Stenbjorn, Director of Election Services. Also in attendance is
10 Anna Birkenheier, Assistant Attorney General. Chairman Alcorn called the meeting to
11 order at 10:10AM.

12 The first order of business was the Commissioner report presented by Edgardo
13 Cortés, ELECT Commissioner. Commissioner Cortés reviewed that the General Assembly
14 of Virginia is in session, and subcommittees and committees are meeting until the end of
15 February. He also notified the board that ELECT will be receiving an award from Harvard
16 University for the electronic submission of absentee ballot applications. He also updated
17 the board that ELECT will be working with general registrars and the Department of Motor
18 Vehicles to improve the shift towards paperless transactions. Chairman Alcorn asked if
19 any of the legislation in session will affect the Board. Commissioner Cortés notified him
20 that some bills will. Secretary McAllister asked if the board could receive a summary of
21 all of the bills affecting elections. Commissioner Cortés said ELECT will provide one.
22 Chairman Alcorn also asked if there will be a replacement for Rose Mansfield, former clerk
23 and Board liaison, as well as the status of minutes for the December 5th, 2017 meeting. Mr.
24 Stenbjorn assured there is a draft of the minutes on Townhall.

25 The next order of business was the review of the situation in Lynchburg during the
26 January 10, 2017 special election. Pat Bower, the chair of the Lynchburg Electoral Board,
27 presented the steps that led to the shortage of ballots that occurred on Election Day. Ms.
28 Bower also apologized to any voters who felt disenfranchised. Ms. Bower acknowledged
29 the locality should have revisited their ballot order after the announcement of the
30 candidates, and outlined the steps they are going to take to prevent a similar situation. Ms.
31 Bower ensured that the locality will research and think longer about the ballot order, check

32 with other localities holding elections at the same time on their ballot order, consult local
33 political parties to forecast turnout, and review communication procedures and priorities
34 so the public is informed quicker about what is happening at the polls. Chairman Alcorn
35 asked if the locality reported the amount of ballots they were ordering to ELECT. Ms.
36 Bowers confirmed they did. Commissioner Cortés stated that ELECT received the report,
37 but did not address the situation directly, as ELECT received pushback the last time they
38 provided guidance. Commissioner Cortés stated that the City of Lynchburg had been
39 directed to increase ballot orders in the June 2016 primary election and the Lynchburg
40 Board refused to comply. Chairman Alcorn said that there are things to learn on both sides,
41 and acknowledged that ELECT should review the reports received from localities
42 analytically and provide feedback, and that localities should listen to that feedback. The
43 events of Election Day in Lynchburg were reviewed hour by hour. Commissioner Cortés
44 recalled his experience and the steps ELECT took to assist, including conference calls,
45 regular check-ins, contact with the Department of Motor Vehicles to assist in printing
46 additional ballots, and sending Deputy Commissioner Elizabeth Howard to the locality to
47 manage the situation. The Lynchburg General Registrar, Karen Patterson, then recalled
48 the locality's experience, including the steps they took to rectify the situation including
49 electoral board members driving ballots to polling places, and contacting a local printer.
50 Clara Belle Wheeler, Vice Chair, asked how many Officers of Elections were working.
51 Ms. Patterson said three. Vice Chair Wheeler and Chairman Alcorn insisted it is important
52 to have more than three Officers of Elections to be working to avoid a similar situation in
53 the future.

54 The next order of business was the Certification of the January 10, 2017 special
55 election, presented by Mr. Stenbjorn. Mr. Stenbjorn handed the results to Chairman
56 Alcorn to announce the winners. The board then signed and certified the results.
57 Chairman Alcorn also mentioned the Board's intent to sign results directly after its
58 meeting subsequent to the November 2017 general election so as to save time within the
59 meeting for other matters.

60 There was concern about the ability to certify results in a timely manner with the
61 General Assembly in session, so the winners of the elections can participate in at least
62 part of the session. Chairman Alcorn then suggested setting two dates of board meetings

63 during session so they can more quickly certify results; that way, if the election is
64 concluded by the first meeting, they can announce the winner, certify the results in the
65 next meeting after the provisional ballots have been counted, and still be able to provide
66 proper notice of the meeting. Commissioner Cortés voiced that the SBE meeting is
67 usually held after the local Board is able to certify the results to be sure that the SBE is
68 certifying the final vote totals, whether or not the counting of provisional ballots change
69 the outcome of the election or not. Chairman Alcorn noted that the ELECT website isn't
70 updated with the turnout for the January special election. Commissioner Cortés clarified
71 that the turnout is part of the certification process, so it will be available on the website in
72 the next day or so.

73 The discussion then turned to the state of emergency declared by the Governor
74 during the in-person absentee voting period prior to the January 10, 2017 special election
75 due to inclement weather. Mark Coakley, the General Registrar of Henrico County,
76 discussed the situation on Saturday, January 8, 2017. Mr. Coakley stated that no voters
77 appeared at their offices on that Saturday for absentee voting due to the snow. Chairman
78 Alcorn asked if people used the emergency extension granted by the Commissioner, and
79 it was stated that they had. Commissioner Cortés agreed that Saturday was cause for
80 concern, but noted that ELECT did not have authority to let the localities close.
81 Chairman Alcorn encouraged Commissioner Cortés to look at the Code of Virginia to see
82 if the Commissioner has the authority to extend the deadline due to emergency
83 conditions. Gary Fox from PrintELECT then suggested that training for emergency
84 weather preparedness would be a good idea.

85 Katie Webb Cyphert, Democratic Party Chair from Lynchburg, then discussed her
86 experience in Lynchburg during the election, followed by Brian Triplett, Republican
87 Party Chair from Lynchburg, both who shared concerns about training and lack of
88 instructions provided Officers of Elections. Vice Chair Wheeler suggested having a
89 training session during annual training for every electoral board member and general
90 registrar to use the polling machines, so they could help refill tape and with other issues
91 that may arise during an election. Commissioner Cortés noted that SBE has directed
92 localities to conduct training on voting equipment since each locality may have a
93 different type of equipment.

94 The next order of business was to review the preliminary statistics from the
95 November General Election presented by Paul Stenbjorn, Director of Elections
96 Administrator. Mr. Stenbjorn reviewed statistics on absentee ballots, including the
97 improvement of implementing online application systems in terms of efficiency on both
98 departmental and locality levels, and issues with duplicates.

99 The next order of business was the Stand by Your Ad summary presented by
100 Brooks Braun, Policy Analyst for the Department of Elections. Mr. Braun reviewed that
101 in November of 2016, there were 10 candidate committees, 2 local election committees,
102 and 21 separate incidents where complaints were filed for ad violations. Mr. Braun noted
103 all complaints were related to print media. Chairman Alcorn mentioned the Board's desire
104 to move through the complaints quickly, and have them put on the agenda as soon as
105 possible. Mr. Braun stated that candidates who have received a complaint must be
106 provided a ten day notice of the hearing. This notice includes the content of the complaint.

107 Chairman Alcorn discussed the relative authority of SBE in enforcement of
108 campaign finance broadly. Mr. Braun discussed the current processes ELECT follows for
109 the assessment of campaign finance penalties. Mr. Braun clarified what qualified as a
110 violation, including what cases would require referral to a Commonwealth's attorney.
111 Chairman Alcorn asked for a summary of campaign finance penalties assessed, as well as
112 any other kind of complaints that come in, including those that have gone to a
113 commonwealth's attorney.

114 The board then opened the floor to public comment. An audience member asked
115 who will be replacing Rose Mansfield, former clerk and board liaison for ELECT.
116 Commissioner Cortés said a replacement has not been found yet. There was then
117 discussion amongst the board about future rule making.

118 Secretary McAllister then asked if there is any legislation in session that will affect
119 the electoral process, and asked if the legislators receive any viewpoints from the election
120 community. Commissioner Cortés stated that ELECT attempts to provide as much input
121 to the legislators as possible, including what the impact of legislation will be and how much
122 implementation will cost. The Commissioner predicted that there will be no major changes
123 to the process, but that the legislature is still in session. Chairman Alcorn then adjourned
124 the meeting.

125 The meeting was adjourned at approximately 1:30 PM. The Board did not set the
126 date and time of its next meeting but discussed the need to meet to certify the special
127 election that has been called for Tuesday, February 7, 2017.

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Secretary

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Chair

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Vice Chair

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1 MINUTES

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3 The State Board of Elections board meeting was held on Monday, May 1, 2017.
4 The meeting was held in House Room 1 in the Virginia State Capitol in Richmond,
5 Virginia.

6 In attendance, representing the State Board of Elections (SBE) was James Alcorn,
7 Chairman; Clara Belle Wheeler, Vice-Chair; and Singleton McAllister, Secretary. Also in
8 attendance, representing the Department of Elections (ELECT) was Edgardo Cortés,
9 Commissioner; Elizabeth Howard, Deputy Commissioner; and Martin Mash, Confidential
10 Policy Advisor. Anna Birkenheier, Assistant Attorney General, was also in attendance.
11 Chairman Alcorn called the meeting to order at 10:26AM.

12 The first order of business was to approve previous SBE minutes, but Chairman
13 Alcorn noted there are some edits and minor amendments to be made. The item was tabled
14 until the next meeting, after the minutes have been corrected.

15 The next order of business was the Commissioner’s report, presented by Edgardo
16 Cortés, Commissioner. Commissioner Cortés informed SBE that absentee voting begun
17 on Friday, April 28, for the upcoming June 13 Statewide dual primaries for the offices of
18 Governor and Lieutenant Governor, a number of House of Delegate seats, and local offices.
19 Commissioner Cortés also gave an update on the ballot proofing process, noting that about
20 half of the ballots were sent back to localities and printers for edits after initial submission.
21 Chairman Alcorn asked how the proofing process went compared to previous elections.
22 Commissioner Cortés noted there was not previously a system to track this information,
23 but the system used this year is better suited to provide that insight moving forward. The
24 Chairman encouraged the Department to track if that is something that improves over time.

25 Commissioner Cortés also went over ELECT’s current list of staff, and then
26 discussed the new liaison program that provides a group of staff at the Department as the
27 main points of contact for General Registrars. The Commissioner informed SBE that
28 liaisons will be going to local offices soon to meet Registrars and learn how local offices
29 run. The Commissioner also provided a list of principle policy analysts by subject area for
30 the Department, and then discussed upcoming changes to the VERIS Help Desk.

31 Vice Chair Wheeler asked how many people are employed at ELECT, specifically
32 in the IT department. Commissioner Cortés responded that the Department has 7 full time
33 contractors, 3 part-time contractors (at less than 5 hours per week), 11 full time employees,
34 and 7 vacancies; the Commissioner clarified that the Department is moving towards
35 providing primarily IT and policy support to localities.

36 Chairman Alcorn asked when General Registrars should contact their liaison versus
37 contacting a policy analyst. Commissioner Cortés clarified that liaisons should be the
38 primary points of contact for all questions; the liaisons will then use resources, including
39 the policy analysts, to provide support and answers.

40 Secretary McAllister asked when the security vacancy in the IT staff would be
41 filled, and Commissioner Cortés answered in July. Secretary McAllister also inquired
42 when the Senior Office Administrator position would be filled, and Commissioner Cortés
43 provided the position currently is in process to be filled. The Commissioner noted the
44 Department should be fully staffed by the end of the year. That concluded the
45 Commissioner's report.

46 The next order of business to certify the April 18 Special Election for the Clerk of
47 Circuit Court for the 31st Judicial Circuit, presented by Leslie Williams, Election
48 Administration Manager. Ms. Williams provided SBE with a memorandum, an abstract of
49 results, and two copies of the certificate. Chairman Alcorn asked if there were any
50 problems or concerns with the election. Ms. Williams said there were not. Chairman
51 Alcorn read the results for the election for the Clerk of Court for Prince William County,
52 Manassas Park City, and Manassas City. Jacqueline C. Smith received 13,908 votes.
53 Jackson Hunter Miller received 11,877 votes. There were 9 write-in votes. Jacqueline C.
54 Smith won the election. Chairman Alcorn motioned to certify the results, and Vice Chair
55 Wheeler seconded the motion. The motion passed.

56 Chairman Alcorn asked if there were any lessons learned from this special election.
57 Commissioner Cortés noted the election ran very smoothly. It was provided Prince
58 William County imported data of election results into VERIS for the first time, which will
59 hopefully ease the burden of providing election results and help avoid data entry mistakes.
60 Chairman Wheeler asked Michelle White, Prince William County General Registrar, to
61 comment. Ms. White said election night reporting is an improvement the locality has

62 wanted to pursue. Ms. White stated the locality was pleased with the results, and that they
63 look forward to continue improving their reporting.

64 The next order of business was reviewing campaign finance complaints, presented
65 by Elizabeth Howard, Deputy Commissioner. Chairman Alcorn requested to hear the
66 complaints from the candidates who were present to begin. Chairman Alcorn then asked
67 for memorandums and staff analysis for each complaint, and Deputy Commissioner
68 Howard informed that ELECT decided not to include them in the Working Papers. The
69 Deputy Commissioner said ELECT chose not to provide memos or staff analysis, as they
70 could indicate legal advice, which the Department is not authorized to give. Chairman
71 Alcorn pointed out the staff provided objective analysis in the past, and would like to
72 continue receiving it. The Chairman asked if it was a staff decision not to provide analysis.
73 Deputy Commissioner Howard said yes. Chairman Alcorn reiterated that the Board would
74 like to receive staff input, and said if they could not provide it, SBE would like to receive
75 the Working Papers sooner, so as to have more time to review them. Chairman Alcorn
76 noted SBE did not receive the Working Papers or agenda until Friday afternoon. Vice
77 Chair Wheeler and Secretary McAllister agreed.

78 The first campaign finance complaint heard was against Brandon W. Howard,
79 candidate for City Council in Hopewell City. Mr. Howard's alleged violation was the
80 inclusion of federal candidates Donald Trump and Mike Pence on Mr. Howard's sign,
81 when it was not indicated on the sign that Mr. Trump or Mr. Pence paid for or authorized
82 the use of their names and logos. Deputy Commissioner Howard noted that the disclaimer
83 included does not violate state law, but the inclusion of federal candidates, who are not
84 included in the disclaimer, may violate state law. Mr. Howard stated that he and Mike
85 Wade, a federal candidate who was included on the sign and in the disclaimer, talked to
86 the Republican Party of Virginia. The Republican Party of Virginia stated that Mr. Trump
87 declared all Virginia Republican candidates may use his name and logo on their materials.
88 Mr. Howard stated they produced the sign after consulting the party, and included the sign
89 in his campaign finance reports.

90 Chairman Alcorn asked Anna Birkenheier, Assistant Attorney General, for legal
91 counsel. Ms. Birkenheier pointed to §24.2-956 in the Code of Virginia, and noted that
92 federal candidates may not have to comply with the section, but state and local candidates

93 do. Secretary McAllister asked about SBE’s past practices on this issue, and Deputy
94 Commissioner Howard noted that in the past, they did not require federal disclaimers. Vice
95 Chair Wheeler added that the State Board of Elections of Virginia does not govern federal
96 campaign finance issues, and noted the state candidates met the disclosure and paid for
97 statement requirements. Secretary McAllister suggested tabling the discussion until Ms.
98 Birkenheier could research the decision to give SBE recommendations, and Ms.
99 Birkenheier agreed. After more discussion of the code, Chairman Alcorn suggested
100 dismissing the fines, as the Board did not find that Mr. Howard had violated the code as a
101 statewide candidate. The Chairman moved to dismiss the complaint with no fines. Vice
102 Chair Wheeler seconded the motion, and the motion passed.

103 The next complaint was against Glenn Perry, Sr., candidate for Sheriff. Mr. Perry
104 recounted that he paid for an ad in a booklet for a festival. The festival designed and printed
105 the ad, and Mr. Perry did not see the ad until it ran. The ad ran without the required “paid
106 for and authorized by” statement. Vice Chair Wheeler clarified that Mr. Perry paid for the
107 ad, and then asked if there are any other ads for Mr. Perry’s campaign circulating the
108 community. Mr. Perry said no.

109 SBE asked Ms. Birkenheier for counsel. Ms. Birkenheier said she preferred not to
110 answer without having more time to research the case. Chairman Alcorn agreed the issue
111 should be tabled until counsel had more time to research. Vice Chair Wheeler then asked
112 for clarification on when Mr. Perry was on the ballot to be Sheriff, and when the ad in
113 question ran. Mr. Perry said the ad ran in 2016. He was planning on running in 2017, but
114 had not yet submitted his paperwork. Vice Chair Wheeler moved to dismiss the case as
115 Mr. Perry was not yet on the ballot, and had not even submitted paperwork. Chairman
116 Alcorn asked if the time between the ad and Mr. Perry submitted to be a candidate mattered.
117 Vice Chair Wheeler noted that because Mr. Perry had not submitted his paperwork, he was
118 not a candidate at the time of the ad violation, and could not violate the law as a candidate.
119 Vice Chair Wheeler asked when the complaint was first received by ELECT. Deputy
120 Commissioner replied that it was received on Monday, February 27, 2017. Vice Chair
121 Wheeler noted that the receipt date was 10 months after the ad in question ran.

122 Vice Chair Wheeler moved to dismiss the violation with no fines. Secretary
123 McAllister seconded the motion. The motion passed 2 to 1, with Chairman Alcorn in the

124 minority. SBE still asked for counsel and for ELECT to update their candidate guidance,
125 so it is more clear to candidates in the future.

126 Secretary McAllister mentioned the importance of receiving the Working Papers
127 and other information earlier, and the importance of a memo; with these, SBE can reach
128 decisions quicker. Deputy Commissioner Howard noted that SBE did not set the date for
129 the meeting until 10 days before the meeting, so the Department had little time in pulling
130 the materials together. The Deputy Commissioner also noted the majority of the issues
131 discussed so far were legal, as Ms. Birkenheier was needed to provide counsel throughout
132 the meeting; the Deputy Commissioner noted the Department cannot give legal guidance,
133 and as ELECT is not an investigatory agency.

134 Chairman Alcorn noticed the complaint against Brandon W. Howard was received
135 in April of 2016, and that ELECT had 12 months between receipt and presentation to
136 provide analysis. The Chairman also noted SBE asked for analysis on the case earlier, and
137 noted the Department can give objective analysis, such as applicable code sections and past
138 SBE decisions on similar violations.

139 Vice Chair Wheeler agreed, noting how a breach of the code before an election is
140 important for the Board, and for voters, to know. The Vice Chair asked to receive
141 allegations of campaign finance violations when they are first received by the Department.
142 Deputy Commissioner stated that historically the Board did not discuss campaign finance
143 issues until after the election. Chairman Alcorn and Vice Chair Wheeler both challenged
144 the statement. Commissioner Cortés stated SBE gave ELECT no direction that the Board
145 wanted to hear complaints before the election. Chairman Alcorn challenged that as well.

146 Commissioner Cortés noted the Department gives acknowledgement of the receipt
147 of a complaint, and notice to the campaign allegedly in violation—a system that was
148 instituted in 2016. Vice Chair Wheeler reiterated the request to receive complaints when
149 they are received by ELECT.

150 The remaining campaign finance complaints—including complaints against Joe
151 Lindsey for Senate; Awareness Manassas PAC (absent due to a family emergency); the
152 Daniels Committee; Ellen Robertson; Friends of Candidate Coleman; Hassan J. Fountain
153 for 3rd District; Singh for Mayor; Joe Morrissey; and Linwood W. Johnson—would be
154 tabled until the next meeting, as the candidates were not present. Chairman Alcorn

155 requested objective analysis before the meeting, including past SBE decisions. If the
156 Department cannot provide analysis, Chairman Alcorn requested to receive campaign
157 finance complaints a week in advance so SBE can research and receive counsel before the
158 meeting.

159 Chairman Alcorn then motioned for a 10 minute recess. Vice Chair Wheeler
160 seconded the motion, and the motion passed.

161 The meeting reconvened at 12:20PM. The next order of business was the
162 certification of the Hart Verity 2.0 voting systems, pursuant to the *State Certification of*
163 *Voting Systems: Requirements and Procedures*, presented by Eugene Burton, Voting
164 Equipment Coordinator. Mr. Burton provided background on the voting systems, and
165 provided the test report and Election Assistance Commission (EAC) certificate to Board
166 members. Mr. Burton recommended SBE move to certify the system, as it has completed
167 state certification. Vice Chair Wheeler asked how many localities use the Hart Verity
168 System, and Mr. Burton did not know the exact number, but estimated 10. The Vice Chair
169 asked if any localities had problems with the system, and Mr. Burton responded they did
170 not, and noted the City of Fairfax gave it a letter of recommendation. Chairman Alcorn
171 moved to certify. Vice Chair Wheeler seconded the motion, and the motion passed
172 unanimously.

173 The next order of business was the certification of the electronic pollbook system
174 (EPB), presented by Matthew Davis, the Chief Information Officer. Mr. Davis noted in
175 November, SBE directed the Department to make some improvements on the EPB.
176 Chairman Alcorn asked what changes were made.

177 Mr. Davis noted voter usability improvements, including the addition of two
178 additional audits. Chairman Alcorn recounted some concerns Chesterfield County had
179 with the system, and that SBE asked for feedback from Chesterfield County. Mr. Davis
180 noted that the Chesterfield County General Registrar had retired, so no feedback from the
181 locality was available. Commissioner Cortés noted that ELECT made all changes required
182 by the code, and reached out to other General Registrars for feedback to enhance the system
183 and fulfill the requirements. Vice Chair Wheeler clarified the pollbook was tested in
184 Chesterfield and found inadequate, and requested the EPB go back to Chesterfield to be
185 sure all concerns were addressed and fixed. The Vice Chair then asked the start date for

186 the development of this EPB, recalling it to be 4 years ago. Mr. Davis said coding for the
187 equipment started in March of 2016. Vice Chair Wheeler stated she would like
188 Chesterfield's feedback, even though the previous Registrar would not be present.

189 Jason Corwin, the Mecklenburg County General Registrar, addressed the Board and
190 said he worked with the EPB since its first stage, and kept in regular contact with the
191 previous Chesterfield GR. Mr. Corwin attempted to hack the EPB to test for security, and
192 noted that he was unable to change the accuracy or reliability of the machine in his attempt
193 to do so. Mr. Corwin also noted some connectivity issues, but found the machine worked
194 well otherwise. Vice Chair Wheeler thanked Mr. Corwin, but reiterated the request to
195 return the machine to Chesterfield for testing. Chairman Alcorn agreed.

196 Secretary McAllister asked if there was a downside to not certifying the EBP during
197 this meeting. Commissioner Cortés noted that the contract with the vendor would end on
198 July 1st, and if localities would like to use the EPB past that date, the locality would have
199 to pay for the contracting and licensing, or use another vendor. Commissioner Cortés asked
200 if SBE would certify the EPB with all of the improvements and feedback from other
201 localities. Chairman Alcorn reiterated the request to send the machine back to Chesterfield
202 to be sure all of the problems were fixed.

203 Mr. Davis noted that Chesterfield tested the machine in office, not during an
204 election, and also noted ELECT received positive feedback from Chesterfield during the
205 testing. Mr. Davis said he then received an email from Chesterfield about usability issues,
206 including font size. Commissioner Cortés asked Mr. Corwin to certify if the EPB met the
207 Code requirements. Mr. Corwin said yes, and that issues including font sized were
208 resolved, but reiterated the connectivity issue.

209 Mr. Davis then described the differences between another EPB system and the one
210 in question, highlighting the simplicity in the new system. Chairman Alcorn asked for
211 clarification on the connectivity issue mentioned by Mr. Corwin, and Mr. Davis explained
212 that the machine may take longer to sync if disconnected, but will ultimately reconnect and
213 work properly. Secretary McAllister asked when the connectivity issue would be resolved.
214 Mr. Davis replied ELECT just produced a patch that will hopefully resolve the issue.

215 Chairman Alcorn noted that if the Chesterfield concerns were mostly concerning
216 user-friendly interface, and that if those issues were addressed, then the EPB should be

217 certified. Vice Chair Wheeler reiterated the request to send the EPB back to Chesterfield
218 for a report. Chairman Alcorn motioned for the issue to be tabled until ELECT provides a
219 report that the connectivity issue has been resolved, and until Chesterfield County tests the
220 machine and finds their concerns have been addressed and fixed. Vice Chair Wheeler
221 seconded the motion, and the motion passed.

222 The next order of business was an update on voter list maintenance, presented by
223 Commissioner Cortés. The Commissioner reported ELECT completed the bi-annual list
224 maintenance process. It was reported that since January 1, 2017, 22,574 deceased
225 individuals were removed from the voter rolls; 2,029 individuals were removed for felony
226 convictions; 976 individuals were cancelled by request; 5,128 individuals were removed
227 upon receipt of a notice they moved out of state; 696 individuals self-identified as non-
228 citizens; and 195 individuals were removed under mental adjudication by the courts.
229 Commissioner Cortés reported 5,198,319 active voters and 218,389 inactive voters in the
230 Commonwealth of Virginia.

231 Chairman Alcorn requested an update on the non-citizen and duplicate registration
232 problems addressed in the April meeting. Commissioner Cortés reported that majority of
233 duplicate registration submissions were coming from Department of Motor Vehicles
234 (DMV) related activity. The Commissioner reported ELECT is working with DMV to find
235 a solution, and that the Center for Civic Design is assisting to solve the duplicate
236 registration issue.

237 Chairman Alcorn then requested an update on non-citizen data. Commissioner
238 Cortés noted some problems in the past with ELECT's capacity and servers during the
239 online registration process during the November 2016 general election. ELECT went back
240 to find if any processes were broken, and found some issues with non-citizen data not
241 processing from the DMV in a timely manner. The Commissioner reported they are
242 currently working on repairing any issues, and searching for other issues, with the DMV.

243 Vice Chair Wheeler asked for background on the Center for Civic Design.
244 Commissioner Cortés stated the Center was present at ELECT's annual training in 2016,
245 and that the center helps to simplify information for voters to make it easily understandable
246 and hopefully increase the number of successful voter experiences.

247 Vice Chair Wheeler asked about the delay in non-citizen data from DMV
248 mentioned by Commissioner Cortés, and asked how the DMV identifies non-citizens.
249 Commissioner Cortés clarified that identification is through self-identification from the
250 voter. Vice Chair Wheeler asked ideally how often the DMV should transfer this
251 information. The Commissioner responded ideally the information would be provided with
252 the transactions. Vice Chair Wheeler asked for clarification on why the information did
253 not get relayed to VERIS properly. Commissioner Cortés answered the previous paper-
254 based system DMV had in place, which has now been replaced with an electronic
255 transaction caused delays, and errors in VERIS being investigated may have played a role.
256 Vice Chair Wheeler asked how many self-identified non-citizens ELECT received.
257 Commissioner Cortés responded there were 696 removed from voter rolls since January.
258 Vice Chair Wheeler then asked for a breakdown by locality across Virginia to know how
259 many self-identified non-citizen transactions there were in each locality. Commissioner
260 Cortés responded that none of the existing reports give that information.

261 Vice Chair Wheeler asked if ELECT knows how many of the people removed from
262 voter rolls in January that self-identified as non-citizen voted in the 2016 November
263 election. The Commissioner responded ELECT does not. Vice Chair Wheeler then
264 inquired as to the process at the DMV if an individual self-identifies as non-citizen, and
265 recalled issues with individuals being unable to do transactions other than voter registration
266 on DMV kiosks if identified as non-citizen, which often led them to mark themselves as
267 citizens in order to be able to complete their other tasks. Commissioner Cortés informed
268 of DMV training that trains employees to help with kiosk issues, including those
269 mentioned, and customer service representatives are prepared to assist. Commissioner
270 Cortés reminded SBE that voter registration is an individual-initiated process.

271 The discussion then opened to public comment. Jake Washburne, Albemarle
272 County General Registrar, discussed concerns about the VERIS duplicates, and suggested
273 possible solutions. Mr. Washburne expressed concern that VERIS seems to only have the
274 capability to catch duplicate addresses, and that voters may keep resubmitting registrations
275 online because there aren't instantaneous updates on the online citizen portal which may
276 cause voters to think their request did not process, leading them to resubmit. Having
277 VERIS recognize duplicates by first names, last names, or social security numbers may

278 help reduce the number of duplicate registrations localities are seeing. Mr. Washburne
279 suggested gathering a group of knowledgeable General Registrars to brainstorm ideas to
280 fix the issue.

281 Cameron Sasnett, Fairfax County General Registrar, spoke next, with concerns
282 about the SBE minutes. Mr. Sasnett expressed concern that the minutes from previous
283 SBE meetings do not accurately reflect the conversations held during public comment, and
284 noted if transcripts or the audio files from the meetings will not posted, that the minutes
285 need to fully and accurately reflect public comment. Mr. Sasnett noted his support of the
286 liaison process, but also noted a lack of response from Fairfax County's liaison, and
287 difficulties with the tone some written message conveyed to the General Registrars in mass
288 e-mails recently, reminding General Registrars of their statutory obligations that read as
289 almost threatening. Mr. Sasnett suggested leveraging the liaison process better, notably
290 with the communication of upcoming deadlines.

291 Mr. Sasnett then discussed non-citizen data. Mr. Sasnett reported that in March,
292 Fairfax County identified a total of 299 self-identified non-citizens, that they then
293 contacted. Mr. Sasnett stated 150 contacted the locality and confirmed their citizenship
294 status. Mr. Sasnett claimed data from those numbers showed $\frac{3}{4}$ of those people did vote
295 in the November election. Mr. Sasnett also noted that there were then 25% of the non-
296 citizens identified who did not respond to confirm their citizenship status, and noted how
297 important this issue is to address.

298 Mr. Sasnett also discussed the duplicate registration issue. The National Voter
299 Registration Act (NVRA) statistics report, which identifies the source of every document
300 coming into the Registrar's office, that reported data from January 1, 2017 to April 20,
301 2017, showed 99,000 transactions. The locality statistics report, which tells the Registrars
302 what those transactions actually are (e.g. address changes, new registrations, etc.), only
303 showed 32,000 actual transactions. Mr. Sasnett concluded that those reports reflected
304 about 67,000 reports missing, which may be duplicate registrations, discarded registrations
305 that were incomplete, or something else. Mr. Sasnett noted this means about two-thirds of
306 their reports reflect bad information. Mr. Sasnett reported he is in discussion with Mr.
307 Davis at ELECT to see how reporting can be improved for efficiency and accuracy. Mr.

308 Sasnett also asked SBE to use this opportunity to encourage the increase of efficiency and
309 accuracy in reports.

310 Mr. Sasnett then asked Commissioner Cortés if ELECT will be participating in the
311 ERIC mailing program that notifies eligible but unregistered individuals of their eligibility.
312 Commissioner Cortés confirmed that ELECT will be participating, and will continue to
313 participate in the future.

314 Mr. Sasnett also addressed the non-citizen issue, noting that the dates individuals
315 self-identified as non-citizen corresponded with their registration dates at the DMV. Mr.
316 Sasnett clarified this means an individual could indicate they were not citizens, but then be
317 offered the opportunity to vote. Mr. Sasnett encouraged ELECT, the Center for Civic
318 Design, and DMV to thoroughly examine and fix the issue.

319 Commissioner Cortés then asked Mr. Davis to come in front of the Board to explain
320 the data that is present in VERIS. Mr. Davis stated that the NVRA statistics report cited
321 by Mr. Sasnett does not reflect a one for one count of transaction per individual—take, for
322 example, an individual who submits a voter registration form to change their address in a
323 manner that would also change their locality. Mr. Davis stated that that transaction would
324 show up as two transactions in the NVRA report, and that this would account for the
325 difference in numbers between the different reports. Mr. Davis stated the NVRA report
326 and the locality statistics report will not match up because of this, and reiterated Mr.
327 Sasnett’s claim of working together to produce more accurate and efficient reporting.

328 Commissioner Cortés added that using reports in this way can lead Registrars or
329 the public to believe that something is a problem, when it really is just a difference in how
330 the system counts transactions. Chairman Alcorn agreed and encouraged ELECT to get
331 out information regarding how the reports work so as to avoid confusion for the public and
332 for localities.

333 Michelle White, the Prince William County General Registrar, then spoke. Ms.
334 White stated the ELECT website, including the citizen portal, needs to be more
335 understandable to the voter. Ms. White noted that it should be more clear to the voter what
336 address they are registered at, when their information was last updated, and how they last
337 updated their information (e.g. DMV, the online citizen portal, etc.). Ms. White also
338 requested the website inform the voter how long it will take to receive their registration by

339 mail. Ms. White suggested a way to improve the portal would be to consult with the
340 elections community for feedback on how to make the website more voter and user
341 friendly.

342 Robin Lind, the Secretary of the Goochland Electoral Board, then spoke. Mr. Lind
343 referred to an email sent to SBE, including the General Registrar/Electoral Board (GREB)
344 Workgroup report, and asked for a response from the Board. Mr. Lind noted the report
345 was sent in January, with no response, and requested a response to the report from the
346 Board as soon as possible. Mr. Lind reviewed some of the information in the report,
347 including questions regarding sequestering funding, evaluating ELECT’s service to the
348 elections community, and SBE response to GREB requests. Chairman Alcorn apologized
349 for the delay, and asked to discuss how best to support the GREB workgroup in their next
350 Board meeting.

351 Vice Chair Wheeler then reminded those in attendance of a survey on printing
352 ballots, and asked that the survey be answered and returned. The Vice Chair noted ELECT
353 will review the survey to be sure each locality has ordered a sufficient number of ballots,
354 and highlighted the importance of filling it out. Vice Chair Wheeler also reminded
355 localities that the upcoming June primary will be a dual primary, and asked for ideas on
356 how the officers of election and localities can make clear to voters that voters will have to
357 declare what party ballot they would like to receive in order to vote.

358 Chairman Alcorn then motioned to adjourn the meeting. Vice Chair Wheeler and
359 Secretary McAllister both seconded the motion.

360 Chairman Alcorn then adjourned the meeting.

361 The meeting was adjourned at approximately 2:20PM. The Board did not set the
362 date and time of its next meeting.

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Secretary

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Chair

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Vice Chair