



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

# BOARD MEETING

---

Wednesday, December 18, 2019  
Virginia State Capitol  
Senate Room 3  
Richmond, VA  
1:00 P.M.

---

SBE Board Working Papers



**STATE BOARD OF ELECTIONS  
AGENDA**

**DATE: Wednesday, December 18, 2019**

**LOCATION: Virginia State Capitol  
Senate Room 3**

**Richmond, VA 23219**

**TIME: 1:00 PM**

**I. CALL TO ORDER**

*Robert Brink, Chairman*

**II. APPROVAL OF MINUTES**

*Jamilah LeCruise, Secretary*

**A. October 29, 2019**

**B. November 18, 2019**

**III. COMMISSIONER'S REPORT**

*Jessica Bowman  
Deputy Commissioner*

**IV. DELEGATION POLICY**

*Arielle A. Schneider  
Policy Analyst*

**V. PRESIDENTIAL PRIMARY PLANS**

*Dave Nichols  
Director of Elections Services*

**VI. DRAWING FOR PRESIDENTIAL PRIMARY BALLOT  
ORDER**

*Dave Nichols  
Director of Election Services*

**VII. RISK LIMITING AUDIT**

*James Heo  
Confidential Policy Advisor*

**VIII. ADVISORY REVIEW WORKGROUP – APPOINTMENT**

*Robert Brink, Chairman*

**IX. PUBLIC COMMENT**

**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.

## **X. 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.



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

---

# Approval of Minutes

---

BOARD WORKING PAPERS  
State Board of Elections

1           The State Board of Elections (“the Board”) meeting was held on Tuesday, October 29,  
2           2019, in the Virginia State Capitol, Senate Room 3, in Richmond, Virginia. In attendance:  
3           Robert Brink, Chairman, John O’Bannon, Vice Chairman, and Jamilah LeCruise, Secretary,  
4           represented the State Board of Elections (“the Board”). Christopher E. “Chris” Piper,  
5           Commissioner, and Jessica Bowman, Deputy Commissioner, represented the Department of  
6           Elections (“ELECT”). Carol L. Lewis and Heather Hays Lockerman represented the Office of  
7           the Attorney General (“OAG”). Chairman Brink called the meeting to order at 1:00 P.M.

8           The first order of business was for the Board to approve minutes for the September 17,  
9           2019 meeting, presented by Secretary LeCruise. The Vice Chair *moved that the Board approve*  
10          *the minutes from the September 17, 2019 meeting.* Secretary LeCruise seconded the motion, and  
11          the motion passed unanimously.

12          The next order of business was the Commissioner’s Report, presented by Commissioner  
13          Piper. The Commissioner informed the Board that the number of absentee ballots cast by this  
14          point prior to an election increased by 20,000 as compared to the November 2015 general  
15          election. Commissioner Piper introduced new employees of ELECT including Audrey Walker,  
16          Administrative Supervisor; Tanya Pruet, Senior Registrar Liaison; Michael Dixon, E-Learning  
17          Specialist; Mike Gilbert and EB Davis, List Maintenance Data Analysts; Melanie Gilmer,  
18          Procurement Officer; Ronald Jackson, System Support Analyst, and Matthew Fritz, Geospatial  
19          Data Analyst. Chairman Brink then introduced Carol Lewis, Assistant Attorney General.

20          The next order of business was the 2019 Delegations of Authority, presented by Dave  
21          Nichols, Director of Elections Services. *This report is in the Working Papers for the October 29,*  
22          *2019 meeting.* Secretary LeCruise moved *that the Board approve the amended 2019 Delegations*

23 *of Authority, including forms, from the State Board of Elections to the Department of Elections,*  
24 *pursuant to the Virginia Administrative Process Act, and further moved that all prior*  
25 *Delegations of Authority be rescinded.* Vice Chair O’Bannon seconded the motion, and the  
26 motion passed unanimously. Commissioner Piper suggested deferring item C on the agenda, the  
27 Recounts Suite, until the next Board meeting, to which Chairman Brink agreed.

28         The next order of business was the Stand by Your Ad - Consideration of Anonymous  
29 Complaints, presented by Arielle A. Schneider, Policy Analyst. Ms. Schneider informed the  
30 Board that the memo in the Board materials provided information on Stand by Your Ad  
31 (“SBYA”) anonymous complaints and a breakdown of the number of complaints brought to the  
32 Board over the past three years. *This report is in the Working Papers for the October 29, 2019*  
33 *meeting.* She informed the Board that for purposes of this analysis, SBYA complaints were  
34 divided into three different categories (complaints received anonymously, complaints received  
35 via FormSite where the complainant requested their information be kept private, and complaints  
36 submitted by named persons). Ms. Schneider stated that the memo shows a percentage-based  
37 breakdown of how many complaints result in the Board assessing a penalty and how many are  
38 dismissed for not containing a violation, not reporting an advertisement that expressly advocates  
39 for the election or defeat of a candidate, or regarding yard signs published or purchased prior to  
40 2015.

41         Ms. Schneider stated that ELECT re-wrote the SBYA-complaint operating procedures to  
42 accept anonymous complaints in response to a directive from the previous State Board of  
43 Elections. In concert with these changes, ELECT initially provided complainants the option of  
44 indicating that their information should be kept private, but as government records, complainant

45 contact information would not be redacted if requested through the Freedom of Information Act.  
46 Accordingly, ELECT removed this option from its FormSite application in May 2019, shortly  
47 after introducing the Anonymous complaint form, to avoid confusion between anonymous and  
48 non-anonymous complaints. Chairman O'Bannon asked Ms. Schneider what the statute says  
49 regarding anonymous complaints. Ms. Schneider referred the Board to and read the Code of  
50 Virginia § 24.2-955.3(D), which states "The State Board, in a public hearing, shall determine  
51 whether to find a violation of this chapter and to assess a civil penalty." Commissioner Piper  
52 noted that the General Assembly wants the Board to decide every complaint that is received in a  
53 public hearing.

54 Vice Chair O'Bannon asked whether the respondent is notified when someone sends a  
55 complaint anonymously. Ms. Schneider stated that a respondent is notified in advance of the  
56 meeting at which the Board would consider the complaint. She added that any person, or  
57 respondent can request information on the source of the complaint, and any relevant records  
58 would be provided unredacted. However, if a complaint is truly anonymous, ELECT would only  
59 have the evidence of a violation provided, but those records would not identify the complainant.  
60 Secretary LeCruise commented that anonymous complaints and other unnamed evidence is  
61 rarely permitted in other contexts including within the court system. Vice Chair O'Bannon  
62 *moved that ELECT provide a proposal to remove anonymous complaints from the SBYA process.*  
63 Chairman Brink seconded the motion, and the motion passed unanimously.

64 The next order of business was the Certification of a Pilot for Essex County, presented by  
65 Commissioner Piper. *This report is in the Working Papers for the October 29, 2019 meeting.*  
66 Vice Chair O'Bannon moved *that the Board approve Essex County to pilot the election software*

67 “Verity 2.3” for experimental use in the November 2019 General Election. Secretary LeCruise  
68 seconded the motion, and the motion passed unanimously.

69 The next order of business was the Candidate Filings for Special Elections, presented by  
70 Samantha Buckley, Policy Analyst. *This report is in the Working Papers for the October 29,*  
71 *2019 meeting.* Secretary LeCruise moved that the Board approve the Department’s proposal for  
72 regulatory action and put forward IVAC-20-50-50 for public comment. Vice Chair O’Bannon  
73 seconded the motion, and the motion passed unanimously. Vice Chair O’Bannon moved that the  
74 Board adopt Policy 2019-001 regarding Candidate Filings for Special Elections. Secretary  
75 LeCruise seconded the motion, and the motion passed unanimously.

76 The next order of business was the Advisory Review Workgroup Resolution presented by  
77 Chairman Brink. *This report is in the Working Papers for the October 29, 2019 meeting.*  
78 Chairman Brink opened the floor to public comment. Robin Lind, former Secretary of the GREB  
79 Workgroup, Clara Belle Wheeler, former member of the State Board of Elections, David Bailey  
80 on behalf of the Voter Registrars Association of Virginia, Katie Boyle on behalf of the Virginia  
81 Association of Counties and Mitchell Smiley, with the Virginia Municipal League all addressed  
82 the Board. Chairman Brink informed the Board that the amended Resolution adds language that  
83 recognizes the former Workgroup’s previous contributions to the election process and the  
84 Commonwealth, and authorizes the new Workgroup to advise the Board on community issues or  
85 concerns, facilitate continuity in operations and expand the number of citizen members. Vice  
86 Chair O’Bannon moved that the Board adopt the amendment in the nature of a substitute.  
87 Secretary LeCruise seconded the motion, and the motion passed unanimously. Secretary



88 LeCruise moved *that the Board adopt the Resolution as amended*. Vice Chair O'Bannon  
89 seconded the motion, and the motion passed unanimously.

90 Chairman Brink opened the floor to Public Comment. Robin Lind thanked the Board for  
91 adding the amendments to the Resolution.

92 Chairman Brink then moved to adjourn the meeting. Vice Chair O'Bannon seconded the  
93 motion, and the motion passed unanimously. The meeting was adjourned at approximately 2:07  
94 PM.

95

96 \_\_\_\_\_

97 Chairman

98 \_\_\_\_\_

99 Vice Chair

100 \_\_\_\_\_

101 Secretary

1

2

3

4

5

6

7

8

The State Board of Elections (“the Board”) meeting was held Monday, November 18, 2019, in the West Reading Room of the Patrick Henry Building in Richmond, Virginia. In attendance: Robert Brink, Chairman, John O’Bannon, Vice Chairman, and Jamilah LeCruise, Secretary, represented the State Board of Elections (“the Board”). Christopher E. “Chris” Piper, Commissioner, and Jessica Bowman, Deputy Commissioner, represented the Department of Elections (“ELECT”). Carol L. Lewis represented the Office of the Attorney General (“OAG”). Chairman Brink called the meeting to order at 1:04 P.M.

9

10

11

12

13

14

15

16

17

The first order of business was the Commissioner’s Report, presented by Commissioner Piper. Commissioner Piper introduced new employee Karen Hoyt-Stewart, Voting Technology Program Manager. The Commissioner informed the Board that in January 2020 ELECT will be providing a Post-Election Report with a detailed analysis of the November 2019 election which included over 450 candidates, nearly 1,000 ballot styles, and over 450 split precincts. The Commissioner recognized the ELECT staff and all local elections officials throughout the Commonwealth for all of their hard work on the November 5<sup>th</sup> General Election. Commissioner Piper informed the Board that ELECT would be providing the Risk Limiting Audit report at the December Board meeting.

18

19

20

21

The Commissioner informed the Board that there would not be a Republican Presidential Primary, but there would be a March 2020 Presidential Primary Election for a Democratic candidate, a May 2020 General Election that encompasses over 100 cities and towns, and a June 2020 Statewide Primary. Commissioner Piper informed the Board that on December 5<sup>th</sup>, ELECT

22 will be hosting a Silent Auction for the Leukemia and Lymphoma Society, for more information  
23 reach out to Rise Miller.

24 The next order of business was the General Election Certification, presented by Matt  
25 Abell, Elections Administrator. Mr. Abell informed the Board that there were no ties, and all  
26 results are final. *This report is in the Working Papers for the November 18, 2019 meeting.* Vice  
27 Chair O'Bannon moved that the Board certify the results as presented by signing abstracts and  
28 the certificates of election. Secretary LeCruise seconded the motion, and the motion passed  
29 unanimously.

30 The next order of business was the Early Voting Report ("Report"), presented by Danny  
31 Davenport, Policy Analyst. *The Early Voting Report is in the Working Papers for the November*  
32 *18, 2019 meeting.* Mr. Davenport thanked everyone who helped with the report. Chairman Brink  
33 opened the floor to public comment. Carol Noggle, League of Woman Voters of Virginia, stated  
34 that the League supports the expansion and cannot wait to see the content of the report. Katie  
35 Boyle, Virginia Association of Counties, expressed appreciation for the flexible approach to the  
36 establishment of voting centers and allow localities to set up better locations for what makes the  
37 most sense for that particular location. Ms. Boyle stated that the smaller localities lack sufficient  
38 parking so will be seeking larger building spaces. She explained to the Board that State  
39 assistance with implementation will be very critical for some of the smaller jurisdictions.

40 Jessica Ackerman, Virginia Municipal League expressed appreciation for the Report  
41 acknowledging the potential cost associated with the expansion of early voting. Kate Hanley,  
42 Secretary of the Fairfax County Elections Board, stated that she appreciates that the Report  
43 allowed the smaller localities to participate. Allison Robbins, President of the Virginia Registrar

44 Association, looked forward to continue discussions and appreciated being a part of the Report.  
45 Vice Chair O'Bannon stated that he will be dissenting to Item #8 on page 13 of the Report.  
46 Secretary LeCruise *moved the State Board of Elections approve the report as presented and*  
47 *direct the Department of Elections to submit the report to the Governor, General Assembly, and*  
48 *the House and Senate Committees on Privileges and Elections on behalf of the Board.* Vice  
49 Chair O'Bannon seconded the motion with the dissent of Item #8, and the motion passed  
50 unanimously.

51 The next order of business was Stand by Your Ad ("SBYA"), presented by Arielle A.  
52 Schneider, Policy Analyst. The first complaint was against Arika Phillips for CCPS School  
53 Board. Ms. Schneider presented the Board with one yard sign with no disclosure. She explained  
54 this would be a first time violation for the candidate. Vice Chair O'Bannon *moved subject to the*  
55 *Board's authority under the Code of Virginia §24.2-955.3, to find Arika Phillips for CCPS*  
56 *School Board in violation of §24.2-956 print media requirements with regard to one print media*  
57 *advertisement and assess a \$100 penalty for one first-time violation.* Secretary LeCruise  
58 seconded the motion, and the motion passed unanimously.

59 The next complaint was against Charon Coffee Price. Ms. Schneider presented the Board  
60 with a photo of an undisclosed yard sign. She explained that the complaint was sent  
61 anonymously, and this would be a first time violation for the candidate. Ms. Price addressed the  
62 Board and explained that the complaint was dated August 2<sup>nd</sup>, but she did not receive her signs  
63 until August 5<sup>th</sup>. She informed the Board that she is a first time candidate and was unaware of the  
64 disclosure needing to be on the yard sign. Ms. Price apologized to the Board and presented the  
65 Board with the updated yard signs showing the disclosure. She informed the Board that she had a

66 list of the location of all her signs, and five of them were stolen. Vice Chair O'Bannon moved  
67 *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Charon Coffee*  
68 *Price in violation of §24.2-956 print media requirements with regard to one print media*  
69 *advertisement and assess a \$50 penalty for a first-time violation.* Secretary LeCruise seconded  
70 the motion, and the motion passed unanimously.

71 The next complaint was against Darby McGeorge. Ms. Schneider presented the Board  
72 with two undisclosed print media signs. Mr. McGeorge addressed the Board. He apologized and  
73 explained that he is a first time write-in candidate and was unaware of the disclosure  
74 requirement. Due to the apology Secretary LeCruise moved *subject to the Board's authority*  
75 *under the Code of Virginia §24.2-955.3, to find Darby McGeorge in violation of §24.2-956 print*  
76 *media requirements with regard to two print media advertisements and assess a \$100 penalty for*  
77 *two first-time violations.* Vice Chair O'Bannon seconded the motion, and the motion passed  
78 unanimously.

79 The next complaint was against Darryl V. Parker. Ms. Schneider presented the Board  
80 with one undisclosed pamphlet. She informed the Board that ELECT had not yet received a  
81 response from the candidate. Vice Chair O'Bannon moved *subject to the Board's authority*  
82 *under the Code of Virginia §24.2-955.3, to find Darryl V. Parker in violation of §24.2-956 print*  
83 *media requirements with regard to one print media advertisement and assess a \$100 penalty for*  
84 *a first-time violation.* Secretary LeCruise seconded the motion, and the motion passed  
85 unanimously.

86 The next complaint was against Friends of Andrew Cullip. Ms. Schneider presented the  
87 Board with two signs. She explained that Mr. Cullip provided a response informing the Board

88 that the advertisements were created by a neighbor. Chairman Brink moved *subject to the*  
89 *Board's authority under the Code of Virginia §24.2-955.3, to dismiss the complaint against*  
90 *Friends of Andrew Cullip.*

91 The next complaint was against Friends of Chris Peace. Ms. Schneider presented the  
92 Board with one undisclosed sign. She informed the Board that Mr. Peace provided a response  
93 stating that someone or some campaign committees unaffiliated with his campaign or team  
94 reused his original sign. Chairman Brink moved *subject to the Board's authority under the Code*  
95 *of Virginia §24.2-955.3, to dismiss the complaint against Friends of Chris Peace.*

96 The next complaint was against Friends of David Hardin. Ms. Schneider presented the  
97 Board with one undisclosed print media website reported on October 25<sup>th</sup>, within the 14 days  
98 prior to the election. Mr. Hardin addressed the Board and explained that he was unaware that the  
99 website did not have a discloser. He informed the Board that the webpage developer did not  
100 request any funds due to having issues with the website.

101 Ms. Schneider asked Mr. Hardin whether Google prohibited his page from searches or  
102 shut down his page. Mr. Hardin stated that it was prohibited in searches, but if you typed the  
103 website into the browser directly it would load. Ms. Schneider asked Mr. Hardin if he received  
104 any notification from the web developer stating that the draft website was online. Mr. Hardin  
105 stated that he did not receive any notifications from the developer. Due to the apology Vice  
106 Chair O'Bannon moved *subject to the Board's authority under the Code of Virginia §24.2-955.3,*  
107 *to find Friends of David Hardin in violation of §24.2-956 print media requirements with regard*  
108 *to one print media advertisement and assess a \$100 penalty for a first-time violation doubled due*

109 *to proximity to the election.* Chairman Brink seconded the motion, and the motion passed  
110 unanimously.

111 The next complaint was against Friends of Joe Dombroski. Ms. Schneider presented the  
112 Board with one double-sided undisclosed print media sign and recommended a penalty of \$100.  
113 Mr. Dombroski addressed the Board. Mr. Dombroski apologized and stated that he was unaware  
114 that a disclosure needed to be on the sign. He also informed the Board that he placed disclaimers  
115 on one side of the yard sign. Due to the apology and remedial action Secretary LeCruise moved  
116 *subject to the Board's authority under the Code of Virginia §24.2-955.3, to dismiss the*  
117 *complaint against Friends of Joe Dombroski.* Vice Chair O'Bannon seconded the motion, and  
118 the motion passed unanimously.

119 The next complaint was against Friends of Paul Petrauskas. Ms. Schneider presented the  
120 Board with ten undisclosed yard signs. She informed the Board that ELECT has not received a  
121 response from the candidate. Vice Chair O'Bannon moved *subject to the Board's authority*  
122 *under the Code of Virginia §24.2-955.3, to find Friends of Paul Petrauskas in violation of §24.2-*  
123 *956 print media requirements with regard to ten print media advertisements and assess a \$1000*  
124 *penalty for ten first-time violations.* Secretary LeCruise seconded the motion, and the motion  
125 passed unanimously.

126 The next complaint was against Friends of Scott Mayausky. Ms. Schneider presented the  
127 Board with three yard signs that are different on each side. She explained that one side is white  
128 and the other side is auburn. Ms. Schneider informed the Board that the auburn side has the  
129 disclaimer at the bottom of the sign. Vice Chair O'Bannon *subject to the Board's authority under*

130 *the Code of Virginia §24.2-955.3, to dismiss the complaint against Friends of Scott Mayausky.*

131 Secretary LeCruise seconded the motion, and the motion passed unanimously.

132           The next complaint was against Friends of Tim McLaughlin. Ms. Schneider presented the  
133 Board with two hand cards. She stated that both hand cards have insufficiently conspicuous  
134 disclosures and recommended a penalty of \$200. A representative from the McLaughlin  
135 campaign addressed the Board. He informed the Board that this was his first time being a media  
136 consultant for a campaign. The representative apologized to the Board, stating that he placed a  
137 low resolution disclosure on the high resolution handcard which when printed was unclear.  
138 Chairman Brink asked if he received a hard copy proof of the handcard. The representative  
139 explained that he received an electronic proof, due to the company being in another state. The  
140 representative approached the Board and provided a handout. After reviewing what appeared to  
141 be a zoomed in image of one of the advertisements (handcard with red background). Secretary  
142 LeCruise moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find*  
143 *Friends of Tim McLaughlin in violation of §24.2-956 print media requirements with regard to*  
144 *one print media advertisement and assess a \$50 penalty for a first-time violation.* Chairman  
145 Brink seconded the motion, and the motion passed unanimously.

146           The next complaint was against Friends of Virginia. Ms. Schneider presented the Board  
147 with four undisclosed yard signs. She stated that this is the second time this campaign committee  
148 has been brought to the Board during this election cycle, that the Board's Schedule of Penalties  
149 required a penalty of "\$250 for any second violation", and recommended the Board assess a  
150 \$2000 penalty for the four advertisements. Ms. Schneider informed the Board that due to the  
151 proximity of the election dates October 24<sup>th</sup>, October 25<sup>th</sup>, and two on October 26<sup>th</sup>, each penalty



152 would be doubled per the Board’s Schedule of Penalties, which states that “If the advertisement  
153 is disseminated or on display in the 14 days prior to or on the Election Day for which the  
154 advertisement pertains, the above penalties will be doubled and the maximum penalty would be  
155 \$2,500.” Ms. Smith addressed the Board and apologized. She explained that the signs presented  
156 were the original signs from the first campaign run. Ms. Smith stated that there were signs that  
157 were missing or stolen that had not been found. She informed the Board that the signs presented  
158 today were located in Charlotte and Pittsylvania County, Virginia. Ms. Smith stated that she  
159 believes the signs were held until the proximity of the elections, knowing the penalty would be  
160 doubled.

161 Secretary LeCruise confirmed with Ms. Smith that during the previous SBYA hearing  
162 she had a list of the locations for all of the yard signs except the ones that went missing.  
163 Chairman Brink confirmed with Ms. Smith that since the SBYA hearing she had additional signs  
164 printed with the disclaimer. Vice Chair O’Bannon asked Ms. Schneider if the documentation  
165 received shows the yard signs were in proximity to the election. Ms. Schneider informed the  
166 Board that the photos were timestamped on the dates specified. Vice Chair O’Bannon moved  
167 *subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find Friends of*  
168 *Virginia in violation of §24.2-956 print media requirements with regard to four print media*  
169 *advertisements and assess a \$2000 penalty, for four second-time violations doubled due to the*  
170 *proximity of the election.* Motion failed due to no second. Chairman Brink moved *subject to the*  
171 *Board’s authority under the Code of Virginia §24.2-955.3, to dismiss the complaint against*  
172 *Friends of Virginia.* Secretary LeCruise seconded the motion, voted in favor of the motion and  
173 the motion passed 2-1, Vice Chair O’Bannon having voted no.

174           The next complaint was against Friends of Will Gardner. Ms. Schneider presented the  
175 Board with six undisclosed signs. She informed the Board that Mr. Gardner provided a response  
176 apologizing and explaining remedial action. Due to the apology Secretary LeCruise moved  
177 *subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find Friends of Will*  
178 *Gardner in violation of §24.2-956 print media requirements with regard to six print media*  
179 *advertisements and assess a \$300 penalty, for six first-time violations reduced due to the apology*  
180 *and remedial action.* Vice Chair O’Bannon seconded the motion, and the motion passed  
181 unanimously.

182           The next complaint was against Gerald Mitchell for Sheriff. Ms. Schneider presented the  
183 Board with one unauthorized webpage reported on October 25<sup>th</sup>, within the 14 days prior to the  
184 election. Mr. Mitchell addressed the Board stating that he is a first-time candidate and apologized  
185 for the error. He informed the Board that the person that created his webpage had never created a  
186 campaign page, which is why it states “Copyright” instead of “Paid For”. Secretary LeCruise  
187 asked Mr. Mitchell if he paid for the website. Mr. Mitchell stated that he did pay for the website.  
188 Due to the apology Secretary LeCruise moved *subject to the Board’s authority under the Code of*  
189 *Virginia §24.2-955.3, to find Gerald Mitchell for Sheriff in violation of §24.2-956 print media*  
190 *requirements with regard to one print media advertisement and assess a \$100 penalty for a first-*  
191 *time violation with an apology doubled due to the proximity to the election.* Chairman Brink  
192 seconded the motion, and the motion passed unanimously.

193           The next complaint was against Gilbert A. Smith. Ms. Schneider presented the Board  
194 with one undisclosed pamphlet. Mr. Smith addressed the Board and apologized for the error. Due  
195 to the apology Secretary LeCruise moved *subject to the Board’s authority under the Code of*

196 *Virginia §24.2-955.3, to find Gilbert A. Smith in violation of §24.2-956 print media requirements*  
197 *with regard to one print media advertisement and assess a \$50 penalty for one first-time*  
198 *violation. Vice Chair O’Bannon seconded the motion, and the motion passed unanimously.*

199         The next complaint was against John Edward Hall. Ms. Schneider presented the Board  
200 with one undisclosed yard sign reported on October 24<sup>th</sup>, within the 14 days prior to the election.  
201 She informed the Board that ELECT has not received a response from the candidate. Vice Chair  
202 O’Bannon moved *subject to the Board’s authority under the Code of Virginia §24.2-955.3, to*  
203 *find John Edward Hall in violation of §24.2-956 print media requirements with regard to one*  
204 *print media advertisement and assess a \$200 penalty for one first-time violation doubled due to*  
205 *the proximity to the election. Secretary LeCruise seconded the motion, and the motion passed*  
206 *unanimously.*

207         The next complaint was against Kiser for Delegate. Ms. Schneider presented the Board  
208 with one undisclosed hand card. She informed the Board that ELECT has not received a response  
209 from the candidate. Secretary LeCruise moved *subject to the Board’s authority under the Code*  
210 *of Virginia §24.2-955.3, to find Kiser for Delegate in violation of §24.2-956 print media*  
211 *requirements with regard to one print media advertisement and assess a \$100 penalty for a first-*  
212 *time violation. Vice Chair O’Bannon seconded the motion, and the motion passed unanimously.*

213         The next complaint was against Lyndsey Dotterer. Ms. Schneider presented the Board  
214 with one undisclosed door hanger. She informed the Board that ELECT has not received a  
215 response from the candidate. Vice Chair O’Bannon moved *subject to the Board’s authority*  
216 *under the Code of Virginia §24.2-955.3, to find Lyndsey Dotterer in violation of §24.2-956 print*  
217 *media requirements with regard to one print media advertisement and assess a \$100 penalty for*

218 *a first-time violation.* Secretary LeCruise seconded the motion, and the motion passed  
219 unanimously.

220 The next complaint was against Michael J. Hallahan, II – Candidate for Supervisor. Ms.  
221 Schneider presented the Board with one insufficiently conspicuous undisclosed door hanger. She  
222 informed the Board that Mr. Hallahan provided a response. Curtis Marshall addressed the Board  
223 on behalf of Mr. Hallahan. Mr. Marshall explained to the Board that the complaint was viewed in  
224 June, so he had no opportunity to remedy the error. He stated that Mr. Hallahan apologized for  
225 the error as he was unaware of the font size. Due to the apology Vice Chair O’Bannon moved  
226 *subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find Michael J.*  
227 *Hallahan, II – Candidate for Supervisor, in violation of §24.2-956 print media requirements with*  
228 *regard to one print media advertisement and assess a \$50 penalty for a first-time violation with*  
229 *an apology.* Secretary LeCruise seconded the motion, and the motion passed unanimously.

230 The next complaint was against Missy for Senate. Ms. Schneider presented the Board  
231 with one undisclosed bumper sticker. She informed the Board that ELECT has not received a  
232 response from the candidate. Vice Chair O’Bannon moved *subject to the Board’s authority*  
233 *under the Code of Virginia §24.2-955.3, to find Missy for Senate in violation of §24.2-956 print*  
234 *media requirements with regard to one print media advertisement and assess a \$100 penalty for*  
235 *a first-time violation.* Secretary LeCruise seconded the motion, and the motion passed  
236 unanimously.

237 The next complaint was against Ralph Parham for Treasurer. Ms. Schneider presented the  
238 Board with one undisclosed insert. She informed the Board that Mr. Parham and his printing  
239 company provided a response apologizing for the error. Due to the apology Vice Chair

240 O'Bannon moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to*  
241 *find Ralph Parham for Treasurer in violation of §24.2-956 print media requirements with regard*  
242 *to one print media advertisement and assess a \$50 penalty for a first-time violation with an*  
243 *apology or remedial action.* Secretary LeCruise seconded the motion, and the motion passed  
244 unanimously.

245 The next complaint was against Reginald A. Williams, Sr. Ms. Schneider presented the  
246 Board with one undisclosed sign. Secretary LeCruise moved *subject to the Board's authority*  
247 *under the Code of Virginia §24.2-955.3, to find Reginald A. Williams, Sr. in violation of §24.2-*  
248 *956 print media requirements with regard to one print media advertisement and assess a \$100*  
249 *penalty for a first-time violation.* Vice Chair O'Bannon seconded the motion, and the motion  
250 passed unanimously.

251 The next complaint was against Samantha Bohannon, Candidate. Ms. Schneider  
252 presented the Board with 10 undisclosed signs. She informed the Board that ELECT has not  
253 received a response from the candidate. Vice Chair O'Bannon moved *subject to the Board's*  
254 *authority under the Code of Virginia §24.2-955.3, to find Samantha Bohannon, Candidate in*  
255 *violation of §24.2-956 print media requirements with regard to ten print media advertisements*  
256 *and assess a \$1000 penalty for ten first-time violations.* Secretary LeCruise seconded the motion,  
257 and the motion passed unanimously.

258 The next complaint was against Shick for Gainesboro District School Board. Ms.  
259 Schneider presented the Board with one undisclosed t-shirt and two undisclosed signs. She  
260 informed the Board that ELECT has not received a response from the candidate. Vice Chair  
261 O'Bannon moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to*

262 *find Shick for Gainesboro District School Board in violation of §24.2-956 print media*  
263 *requirements with regard to three print media advertisements and assess a \$300 penalty for*  
264 *three first-time violations.* Secretary LeCruise seconded the motion, and the motion passed  
265 unanimously.

266         The next complaint was against Sue Kass for School Board. Ms. Schneider presented the  
267 Board with one undisclosed sign and one undisclosed insufficiently conspicuous card. She  
268 informed the Board that the card did have the disclosure. Ms. Schneider stated that Ms. Kass  
269 provided a response apologizing for the error and showing remedial action. Vice Chair  
270 O'Bannon moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to*  
271 *find Sue Kass for School Board in violation of §24.2-956 print media requirements with regard*  
272 *to two print media advertisements and assess a \$100 penalty for two first-time violations with an*  
273 *apology and remediation.* Secretary LeCruise seconded the motion, and the motion passed  
274 unanimously.

275         The next complaint was against Whitbeck for Chairman. Ms. Schneider presented to the  
276 Board three undisclosed newspaper advertisements. She informed the Board that ELECT has not  
277 received a response from the candidate. Secretary LeCruise moved *subject to the Board's*  
278 *authority under the Code of Virginia §24.2-955.3, to find Whitbeck for Chairman in violation of*  
279 *§24.2-956 print media requirements with regard to three print media advertisements and assess*  
280 *a \$300 penalty for three first-time violations.* Vice Chair O'Bannon seconded the motion, and the  
281 motion passed unanimously.

282         The next complaint was against Winchester – Frederick Democratic Committee. Ms.  
283 Schneider presented the Board with one undisclosed newspaper advertisement. She informed the

284 Board that the newspaper was distributed on October 23<sup>rd</sup> which is within the 14 days prior to the  
285 election. Ms. Schneider presented the Board with a response from the Winchester Star  
286 apologizing for their error. Due to the apology Vice Chair O'Bannon moved *subject to the*  
287 *Board's authority under the Code of Virginia §24.2-955.3, to find the Winchester-Frederick*  
288 *Democratic Committee in violation of §24.2-956 print media requirements with regard to one*  
289 *print media advertisement and assess a \$100 penalty for a first-time violation doubled due to the*  
290 *proximity to the election.* Secretary LeCruise seconded the motion, and the motion passed  
291 unanimously.

292 The next order of business was the HB2178 Minimum Security Standards, presented by  
293 Daniel Persico, Chief Information Officer and Karen Tinucci. *This report is in the Working*  
294 *Papers for the November 18, 2019 meeting.* Vice Chair O'Bannon recognized the group that  
295 worked on this project and thanked the group for allowing him to be a part of it. Commissioner  
296 Piper stated that this project highlights Virginia's efforts to ensure the integrity of the elections  
297 and combat issues that arose in 2016.

298 Chairman Brink opened the floor to the public. Katie Boyle on behalf of the Virginia  
299 Association of Counties, Jessica Ackerman on behalf of the Virginia Municipal League, and  
300 Jason Corwin, Mecklenburg County General Registrar, all addressed the Board. Vice Chair  
301 O'Bannon moved *that the Board adopt the proposed HB2178 minimum security standards*  
302 *related to information systems identified as sensitive to election related activities.* Secretary  
303 LeCruise seconded the motion, and the motion passed unanimously.

304 Secretary LeCruise moved *to adjourn the Board.* Vice Chair O'Bannon seconded the  
305 motion, and the motion passed unanimously. The meeting adjourned at approximately 3:35 P.M.

State Board of Elections  
FINAL Meeting Minutes  
Monday, November 18, 2019

306

307

308

---

309 Chairman

310

311

---

312 Vice Chair

313

314

---

315 Secretary





★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

---

# Commissioner's Report

---

BOARD WORKING PAPERS  
Jessica Bowman  
Deputy Commissioner



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

---

# Delegation Policy

---

BOARD WORKING PAPERS

Arielle A. Schneider

Policy Analyst



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

---

Memorandum

**To:** Robert Brink, Chairman; John O'Bannon, Vice Chair; Jamilah LeCruise, Secretary  
**From:** Arielle A. Schneider, Policy Analyst  
**Date:** December 18, 2019  
**Re:** SBE Policy 2019-003: Delegations of Authority

---

**Suggested Motion**

I move that the Board adopt SBE Policy 2019-003.

**Background**

Pursuant to the Code of Virginia §2.2-604, the State Board of Elections has delegated the responsibility and authority to complete specific duties and tasks to the Virginia Department of Elections. This policy will support the Board in its efforts to ensure uniformity in the administration of elections throughout the Commonwealth.

**PROPOSED**  
**State Board of Elections Policy 2019-003**

---

A meeting of the Virginia State Board of Elections was held on December 18, 2019 whereby a policy was proposed and approved by the Board:

**Delegations of Authority**

WHEREAS, the Code of Virginia §2.2-604 provides that the State Board can delegate tasks and duties to the Virginia Department of Elections; now therefore let it be

RESOLVED, by the State Board of Elections under its authority to issue rules and regulations to promote the proper administration of election laws and obtain uniformity in the administration of elections pursuant to §24.2-103, that:

Except where otherwise provided by law, prior to taking action on a matter relating to the exercise of an authority lawfully delegated to the Virginia Department of Elections, the Board shall pass a motion to formally remove that delegated authority from the Delegations of Authority as amended October 29, 2019.



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

---

# Presidential Primary Plans

---

BOARD WORKING PAPERS  
Dave Nichols  
Director of Election Services



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

---

## Memorandum

---

To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise  
From: Dave Nichols, Election Services Manager  
Date: December 18, 2019  
Re: Presidential Primary Plans

---

**Suggested Motion:**

*"In accordance with § 24.2-545 of the Code of Virginia, I move that the Board approve the plans for selecting delegates to the national convention of the Democratic Party of Virginia and Republican Party of Virginia."*

**Applicable Code Sections:**

Va. Code § 24.2-545

**Attachments:**

Your Board materials include:

- Letter from Susan Swecker, Chairwoman of the Democratic Party of Virginia (DPV)
- Letter from Jack Wilson, Chairman of the Republican Party of Virginia (RPV)

**Background:**

Pursuant to Va. Code § 24.2-545, each political party is required to determine the method of selecting delegates to the respective national convention to choose the parties' nominees for President and Vice-President of the United States. If the party chooses a primary, each registered voter in the Commonwealth is given an opportunity to participate in the primary, subject to rules set by the party and approved by the Board.

For March 3, 2020, only the Democratic Party of Virginia has selected a primary as their method of selecting delegates to the national convention. Further, the letter from Chairwoman Swecker does not indicate that the party plans to set any additional rules other than those set in the Code of Virginia for participating in the primary.

The Republican Party of Virginia has chosen to select its delegates to the national convention through district conventions and a State Convention.

**Staff Recommendation:**

Staff recommends the Board approve the plans of both the DPV and RPV for selecting delegates to their respective national conventions.



7/1/2019

Attn: State Board of Elections

The Democratic Party of Virginia hereby formally requests a State Run Presidential Preference Primary to be held on March 3<sup>rd</sup>, 2020 in accordance with §24.2-545(A).

Please let us know if you have any questions.

A handwritten signature in black ink that reads "Susan R. Swecker".

Susan Swecker  
Chairwoman, Democratic Party of Virginia



**Republican Party of Virginia**

*www.rpv.org*

November 15, 2019

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

VIA E-mail [david.nichols@elections.virginia.gov](mailto:david.nichols@elections.virginia.gov)

Dear Members of the State Board of Elections:

I write to notify you of the determination by the duly constitute authorities of the Republican Party of Virginia's to select and bind its delegates to the 2020 Republican National Convention through district conventions and a State Convention.

Please accept this as the required notice under § 24.2-545 of the Code of Virginia.

Sincerely,

Jack Wilson,  
Chairman



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

---

# Drawing for Presidential Primary Ballot Order

---

BOARD WORKING PAPERS  
Dave Nichols  
Director of Elections Services





★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

---

## Memorandum

---

To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise  
From: Dave Nichols, Election Services Manager  
Date: December 18, 2019  
Re: Ballot Order Draw for March 3, 2020 Democratic Presidential Primary

---

**Suggested Motion:**

*"I move that the Board certify the ballot order as drawn."*

**Applicable Code Sections:**

Va. Code § 24.2-545C which reads:

The names of all candidates in the presidential primary of each political party shall appear on the ballot in an order determined by lot by the State Board.

**Attachments:**

Your Board materials include:

- Certification from Susan Swecker, Chairwoman of the Democratic Party of Virginia (DPV) of list of candidates who have satisfied the requirements to have their names placed on the primary ballot
- Request from DPVA to edit candidate name

**Background:**

Persons seeking access to the 2020 Presidential Primary Ballot submitted petitions to the Virginia Department of Elections as required by the filing schedule set by this Board on June 24, 2019. Petitions were transmitted to the DPV as required by § 24.2-545B.

On December \_\_, 2019, the Democratic Party of Virginia certified that the following candidates qualified to appear on the 2020 Democratic Presidential Primary Ballot.

- [enter bulleted list of candidate names]

Each of the above names has been written on a strip of paper and will now be placed into the film canisters, and the canisters into the bowl. If the Board so moves, the order in which they are drawn from the bowl will be the order the candidates names will appear on the 2020 Democratic Primary ballot.

**Staff Recommendation:**

Staff recommends the Board draw the names randomly and certify that drawing as the order for names to appear on the 2020 Democratic Primary ballot.



12/17/2019

Virginia State Board of Elections  
1100 Bank St.  
Richmond, VA 23219

Re: Typed Submission of Elect-545(B2) Form Certifying Democratic Presidential Primary Candidates

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

In order to avoid any confusion in the spelling of any Democratic Presidential Primary Candidates' names, please find a typed list of those who the Democratic Party of Virginia is certifying below.

Michael Bennet  
Joseph R. Biden  
Michael Bloomberg  
Cory Booker  
Pete Buttigieg  
Julián Castro  
Tulsi Gabbard  
Amy Klobuchar  
Deval Patrick  
Bernie Sanders  
Tom Steyer  
Elizabeth Warren  
Marianne Williamson  
Andrew Yang

Please reach out to staff at DPVA if you have any questions or concerns.

Sincerely yours,

A handwritten signature in black ink that reads "Susan R. Sweeter".

Chairwoman  
Democratic Party of Virginia

CC: David Nichols



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

---

## Michael Bloomberg Ballot Name

2 messages

---

**Shyam Raman** <shyam@vademocrats.org>

Tue, Dec 17, 2019 at 12:29 PM

To: "Nichols, David (ELECT)" <David.Nichols@elections.virginia.gov>

Cc: "alex.nichols@elections.virginia.gov" <alex.nichols@elections.virginia.gov>

Hey David,

Can we have Michael Bloomberg's name appear as follows on the ballot?

Michael R. Bloomberg

We missed the R. in our filing.

Thanks!

Shyam

--

Shyam Raman

--

Democratic Party of Virginia

Political Director

Office: 804-335-0960

Cell: 952-992-0230

@shyamsraman

[shyam.raman55@gmail.com](mailto:shyam.raman55@gmail.com)

---

**Nichols, David** <david.nichols@elections.virginia.gov>

Tue, Dec 17, 2019 at 12:31 PM

To: Shyam Raman <shyam@vademocrats.org>

Cc: Alex Nichols <alex.nichols@elections.virginia.gov>

Shyam,

I'll make the adjustment as requested.

-dave

[Quoted text hidden]



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

---

# Risk Limiting Audit

---

BOARD WORKING PAPERS

James Heo

Confidential Policy Advisor



---

## Memorandum

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

**From:** Virginia Department of Elections

**Date:** December 18, 2019

**Re:** 2019 Risk-limiting Audit (RLA) Pilot Program

---

### Overview

- 8 pilot audits
- 33 participating localities
- Wide variety of jurisdictions (large/small, urban/rural, etc.)

The Department of Elections with the assistance of a RLA consultant worked with localities to conduct a series of pilot audits in 2019. A full report from each of the local electoral boards involved in these pilots will be submitted in the near future.

These audits were “process pilots,” meaning that we were able to train local election officials on the process and implementation of this type of audit rather regardless of whether we could achieve a statistically valid result under the constraints of the pilot. This is a common adjustment made when training, since it allows for flexibility in scheduling that makes it easier for jurisdictions to participate.

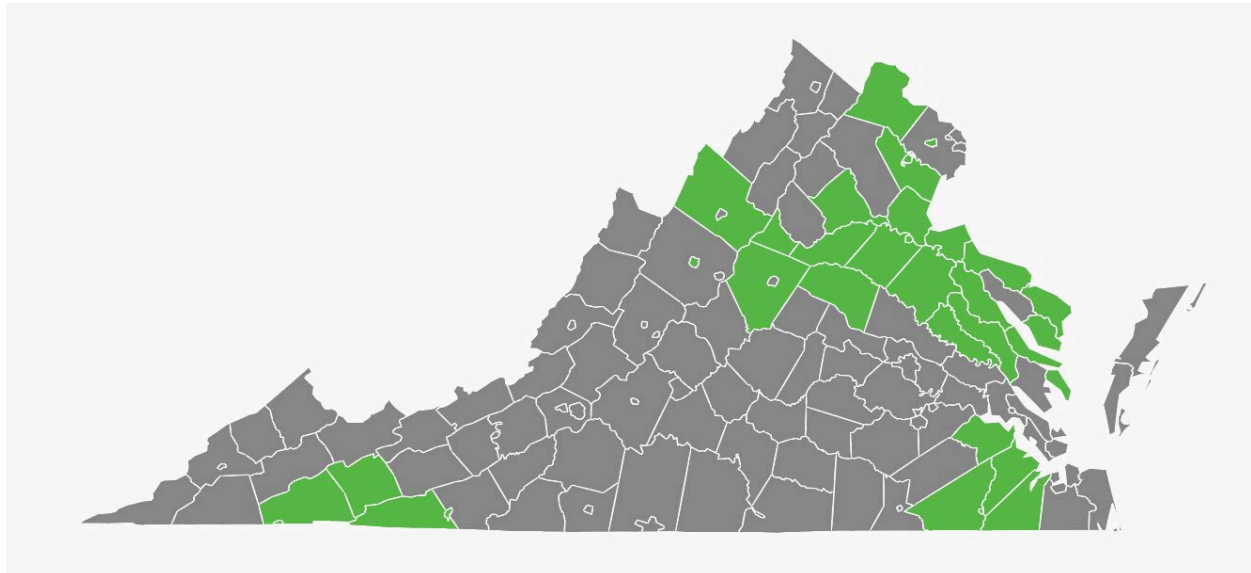
### Recommendations and Findings:

- **The RLA process is manageable.** At the end of each pilot, many local officials expressed that they felt confident they could repeat the process on their own, if necessary.
- **Ballot storage may need to be adjusted.** Some jurisdictions use ballot containers not well suited to being opened and closed multiple times (e.g. manila envelopes or the like), often driven by the storage space – or lack thereof – available to house ballots during retention. A change in storage containers might also allow for improvements in chain of custody, such as using numbered tamper-evident seals on ballot containers.
- **Investing in counting scales may be worthwhile.** These scales allow for faster ballot retrieval from large batches of ballots, and were widely acclaimed by the localities who used them in the pilots.
- **Auditing large contests is most efficient.** RLAs are most efficient when the workload can be spread among as many localities as possible, and the challenges of scaling (many of which are handled by the RLA software) are generally outweighed by the ability to minimize the work assigned to any one jurisdiction.
- **Current statute poses certain challenges.** Effective audits require that you include all ballots cast in a particular targeted contest, across all jurisdictions in the district for that contest. Selecting single jurisdictions who are then required to audit under the current statute ensures that only local contests contained wholly within that single city or county can be audited, making the list of contests available to audit incredibly small – some jurisdictions will not have any contests that meet those criteria available. The Department may need to take this into account while developing the process to randomly select localities.



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

**Participating Jurisdictions**



<b>Pilot date</b>	<b>Host jurisdiction</b>	<b>Other participating jurisdictions</b>
<b>7/31/2019</b>	Lancaster County	Middlesex County, Essex County, Northumberland County, Westmoreland County, King & Queen County, Mathews County, King George County, King William County
<b>8/2/2019</b>	Franklin City	Isle of Wight County, Southampton County, Suffolk County, Surry County
<b>8/5/2019</b>	Bristol City	Galax City, Washington County, Smyth County, Grayson County
<b>8/26/2019</b>	Loudoun County	
<b>8/27/2019</b>	Manassas City	Prince William County
<b>8/29/2019</b>	Louisa County	Spotsylvania County, Fredericksburg City, Culpepper County, Albemarle County, Orange County
<b>10/3/2019</b>	Stafford County	Caroline County
<b>12/2/2019</b>	Rockingham County	Staunton City, Greene County



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

---

# Advisory Review Workgroup

---

BOARD WORKING PAPERS  
Chairman Brink

## **MEMBERS**

### **State Board of Elections Advisory Review Workgroup**

#### **VRAV Recommendations:**

Tracy Howard — Director of Elections and General Registrar, Radford City

Walter Latham — Director of Elections and General Registrar, York County

Allison Robbins — Director of Elections and General Registrar, Wise County

#### **VEBA Recommendations:**

Kate Hanley — Secretary, Fairfax County Electoral Board

JoAnne Speiden — Secretary, Orange County Electoral Board

Barbara Tabb — Chairman, Prince George County Electoral Board

#### **VACO Recommendation:**

Donald L. Hart, Jr. — Supervisor, Accomack County

#### **VML Recommendation:**

Jessica Ackerman — Policy and Advisory Relations Manager, VML

#### **Citizen Members:**

Barry Condrey — Chief Information Officer, Chesterfield County

Kim Cummings — Retired Educator, Prince William County Schools

Lisa Gerchick — League of Women Voters of Virginia

John Hager — Former Lieutenant Governor, Commonwealth of Virginia

Tram Nguyen — Co-Executive Director, New Virginia Majority