

State Board of Elections
Tuesday, September 14, 2021
FINAL Meeting Minutes

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2 The State Board of Elections (“the Board”) meeting was held on Tuesday, September 14,
3 2021, in Senate Room 3 of the Virginia State Capitol. The meeting was also conducted
4 electronically so the public could view and hear the meeting. In attendance: Robert Brink,
5 Chairman, John O’Bannon, Vice Chairman, Jamilah LeCruise, Secretary, Angela Chiang, and
6 Delegate Donald Merricks, represented the State Board of Elections (“the Board”). Christopher
7 E. “Chris” Piper, Commissioner, represented the Department of Elections (“ELECT”) and Carol
8 Lewis represented the Office of the Attorney General (“OAG”). Chairman Brink called the
9 meeting to order at 1:36 P.M.

10 The first item of business was the approval of minutes presented by Secretary LeCruise.
11 Chairman Brink *moved that the Board approve the minutes from the August 3, 2021 Board*
12 *Meeting*. Vice Chair O’Bannon seconded the motion and the motion passed unanimously. A roll
13 call vote was taken:

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

19 The next item of business was the Commissioner’s Report presented by Commissioner
20 Piper. The Commissioner expressed his deepest sympathy on the unexpected passing of Rodrick
21 “Rod” Wimbley, IT Help Desk contractor with ELECT. Commissioner Piper stated that Mr.
22 Wimbley was an upbeat and positive person who will be greatly missed.

23 The Commissioner informed the Board that the local General Registrars (“GRs”) and

24 ELECT have received an increase in Freedom of Information Act (“FOIA”) and National Voter
25 Registration Act (“NVRA”) requests. Commissioner Piper advised the Board that Ashley Coles,
26 FOIA Officer/ELECT Policy Analyst, and the ELECTs training team are working to provide
27 guidance to the local registrars. The Commissioner informed the Board that ELECT’s list
28 maintenance program has been recognized nationally for the accuracy of Virginia’s voter
29 registration lists. Commissioner Piper stated that ELECT has been a part of the Electronic
30 Registration Information Center (“ERIC”) since 2014. The Commissioner advised the Board that
31 ELECT receives monthly updates from the Virginia State Police, and the Bureau of Vital
32 Statistics master death file to ensure the voter list is accurate and up-to-date.

33 Commissioner Piper informed the Board that ELECT also works with the Secretary of
34 the Commonwealth’s office on restoration of rights for Virginians who were convicted of
35 felonies and now seek to restore their right to vote. The Commissioner stated that ELECT works
36 closely with those groups to ensure voters who are eligible and registered are on the list and
37 voters who are ineligible are removed from the list, in compliance with Federal and State laws.
38 Commissioner Piper advised the Board that ELECT is close to finalizing the Statewide Voter
39 Registration System’s Request for Proposals (“RFP”) applications. The Commissioner stated that
40 ELECT is going through a thorough process to ensure to invest in the best system for the
41 Commonwealth, the localities, and the Department.

42 Commissioner Piper advised the Board that it is National Disability Voter Registration
43 Week. The Commissioner also stated that the Office of the Governor produced the One Virginia
44 Plan that focuses on diversity, equity, and inclusion which includes the disabled community.
45 Commissioner Piper informed the Board that ELECT recently did a presentation on disability
46 access to voter registration and voting. The Commissioner informed the Board that the 2020

47 General Assembly passed a law to assist visually disabled or print disabled voters who under
48 previous law allowed an “assistant” to mark the ballot on behalf of a voter with visual or print
49 disabilities. Commissioner Piper stated that now, visually disabled or print disabled voters will
50 be able to request a ballot that can be marked with a specific tool allowing them to vote privately
51 and independently in the comfort of their own home.

52 The Commissioner advised the Board that 45-day early voting starts on September 17,
53 2021, September 28, 2021, is National Voter Registration Day, and October 12, 2021, is the last
54 day to register to vote. Commissioner Piper stated the General Assembly approved 3 million
55 dollars in grants to the localities for early voting expansion. The Commissioner stated that
56 information was sent to the localities about the required criteria to apply for the grant and
57 applications have been received. Commissioner Piper informed the Board that the deadline to
58 submit the applications was Friday, September 10, 2021, and they are currently being reviewed.
59 The Commissioner informed the Board that the General Assembly appropriated \$1.5 million for
60 ELECT’s Voter Education and Outreach, in addition to \$300,000 provided as part of the Voting
61 Rights Act that was passed earlier this year. Commissioner Piper presented the Voter Education
62 and Outreach Plan to the Board. *This PowerPoint Presentation is in the Working Papers for the*
63 *September 14, 2021 meeting.*

64 The Commissioner stated that during the 2021 Legislative Session the General Assembly
65 requested changes to election night reporting. Commissioner Piper informed the Board that
66 absentee by mail voting will be reported separately from early voting in-person. The
67 Commissioner stated that there will be one count for ballots returned by mail and one count for
68 ballots cast in-person prior to Election Day. Commissioner Piper advised the Board that ELECT
69 will be releasing a report on how to best implement precinct-by-precinct reporting for absentee

70 ballots. The Commissioner also stated that absentee ballots submitted by eligible voters will be
71 counted if postmarked by Election Day and received in the GR's office by noon on Friday,
72 November 5th. Commissioner Piper informed the Board that the General Assembly also required
73 GRs to pre-process and report on absentee ballots during the week preceding the election.
74 However, the Commissioner advised the Board that vote totals cannot be tabulated until the polls
75 close on November 2nd.

76 The next item of business was the consideration of Stand By Your Ad violations,
77 presented by Tammy Alexander, Campaign Finance Compliance and Training Specialist. The
78 first penalty assessed was against Dana Sally-Allen for Richmond School Board 8th District for
79 one flyer without a disclosure. Mrs. Alexander stated that the Board assessed a \$25 penalty. Vice
80 Chair O'Bannon moved *to adopt the previously assessed \$25 penalty against Dana Sally-Allen*
81 *with regards to one flyer*. Secretary LeCruise seconded the motion and the motion passed
82 unanimously. A roll call vote was taken:

83 Chairman Brink – Aye

84 Vice Chair O'Bannon – Aye

85 Secretary LeCruise – Aye

86 Ms. Chiang – Aye

87 Delegate Merricks – Aye

88 The second penalty was against Hampton Roads Black Caucus for one piece of literature
89 without a disclosure. Mrs. Alexander stated that the Board previously assessed a \$50 penalty.
90 Vice Chair O'Bannon moved *to adopt the previously assessed \$50 penalty against Hampton*
91 *Roads Black Caucus with regards to one piece of literature*. Delegate Merricks seconded the
92 motion and the motion passed unanimously. A roll call vote was taken:

State Board of Elections
Tuesday, September 14, 2021
FINAL Meeting Minutes

93 Chairman Brink – Aye

94 Vice Chair O’Bannon – Aye

95 Secretary LeCruise – Aye

96 Ms. Chiang – Aye

97 Delegate Merricks – Aye

98 The third penalty was against Mr. Linnard Harris for two yard signs without a disclosure.

99 Mrs. Alexander stated that the Board previously assessed a \$400 penalty. Vice Chair O’Bannon
100 moved *to adopt the previously assessed \$400 penalty against Linnard Harris for two yard signs.*

101 Ms. Chiang seconded the motion and the motion passed unanimously. A roll call vote was taken:

102 Chairman Brink – Aye

103 Vice Chair O’Bannon – Aye

104 Secretary LeCruise – Aye

105 Ms. Chiang – Aye

106 Delegate Merricks – Aye

107 The fourth penalty was against Regie Ford for one door hanger and two yard signs

108 without a disclosure. Mrs. Alexander stated that the Board previously assessed a \$75 penalty.

109 Secretary LeCruise moved *to adopt the previously assessed \$75 penalty against Regie Ford for*
110 *one door hanger and two yard signs.* Vice Chair O’Bannon seconded the motion and the motion
111 passed unanimously. A roll call vote was taken:

112 Chairman Brink – Aye

113 Vice Chair O’Bannon – Aye

114 Secretary LeCruise – Aye

115 Ms. Chiang – Aye

State Board of Elections
Tuesday, September 14, 2021
FINAL Meeting Minutes

116 Delegate Merricks – Aye

117 The fifth penalty was against Glenn Youngkin for one t-shirt without a disclosure. Mrs.

118 Alexander stated that the Board previously assessed a \$100 penalty. Vice Chair O’Bannon

119 *moved to adopt the previously assessed \$100 penalty against Glenn Youngkin for one t-shirt.*

120 Ms. Chiang seconded the motion, and the motion passed unanimously. A roll call vote was

121 taken:

122 Chairman Brink – Aye

123 Vice Chair O’Bannon – Aye

124 Secretary LeCruise – Aye

125 Ms. Chiang – Aye

126 Delegate Merricks – Aye

127 The next item of business was the Ranked Choice Voting Regulations and Supporting

128 Documents presented by Samantha Buckley, ELECT Policy Analyst. Chairman Brink informed

129 the Board that the Ranked Choice Voting Regulation was presented during the June 22nd Board

130 meeting and placed on Town Hall for public comment. *This memo is in the Working Papers for*

131 *the September 14, 2021 meeting.* Chairman Brink opened the floor to public comment. Chris

132 Hughes, Policy Director at Ranked Choice Voting Resource Center, and Chris Lavarn, Senior

133 Legal Counselor with the Campaign Legal Center (“CLC”) addressed the Board. Delegate

134 Merricks proposed an amendment to the Ranked Choice Voting Regulations and moved *to*

135 *amend the number of allowable candidate rankings at 10.* Vice Chair O’Bannon seconded the

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

137 Chairman Brink – Aye

138 Vice Chair O’Bannon – Aye

State Board of Elections
Tuesday, September 14, 2021
FINAL Meeting Minutes

139 Secretary LeCruise – Aye

140 Ms. Chiang – Aye

141 Delegate Merricks – Aye

142 Vice Chair O’Bannon moved *that the Board adopt the Department’s proposal for ranked*

143 *choice voting regulations and ballot standards as amended.* Secretary LeCruise seconded the

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

145 Chairman Brink – Aye

146 Vice Chair O’Bannon – Aye

147 Secretary LeCruise – Aye

148 Ms. Chiang – Aye

149 Delegate Merricks – Aye

150 The next item of business was the Hampton Electoral Board Request for Electronic

151 Pollbook Certification Extension presented by Karen Hoyt-Stewart, Voting Technology Program

152 Manager. *This memo is in the Working Papers for the September 14, 2021 meeting.* Vice Chair

153 O’Bannon moved *to grant a limited extension for the ExpressPoll 5000 3.2.0.0 certified version*

154 *of electronic pollbooks; the extension will expire when the locality secures a certified system, or*

155 *July 31, 2022, whichever occurs first.* Secretary LeCruise seconded the motion and the motion

156 passed unanimously. A roll call vote was taken:

157 Chairman Brink – Aye

158 Vice Chair O’Bannon – Aye

159 Secretary LeCruise – Aye

160 Ms. Chiang – Aye

161 Delegate Merricks – Aye

State Board of Elections
Tuesday, September 14, 2021
FINAL Meeting Minutes

162 The next item of business was the Designation of Minority Languages Status for Fairfax
163 County presented by Samantha Buckley, ELECT Policy Analyst. *This memo is in the Working*
164 *Papers for the September 14, 2021 meeting.* Secretary LeCruise moved *that the State Board of*
165 *Elections designate Fairfax County, VA as a covered locality pursuant to Va. Code § 24.2-128.*
166 *Moving forward, Fairfax County will be required to provide any English language voting or*
167 *election materials, as defined by Va. Code § 24.2-128, in Spanish and Vietnamese languages.*
168 Vice Chair O’Bannon seconded the motion and the motion passed unanimously. A roll call vote
169 was taken:

170 Chairman Brink – Aye

171 Vice Chair O’Bannon – Aye

172 Secretary LeCruise – Aye

173 Ms. Chiang – Aye

174 Delegate Merricks – Aye

175 The next item of business was the Revision to the Hand-counting Ballot Standards
176 presented by Samantha Buckley, ELECT Policy Analyst. *This memo is in the Working Papers*
177 *for the September 14, 2021 meeting.* Chairman Brink opened the floor to public comment. Chris
178 Marston, Republican Party of Virginia, and Barbara Tabb, President, Virginia Electoral Board
179 Association (“VEBA”) addressed the Board. Delegate Merricks moved *that the State Board of*
180 *Elections adopt, and make effective immediately, the proposed revisions to the Hand-counting*
181 *Ballot Standards.* Secretary LeCruise seconded the motion and the motion passed unanimously.
182 A roll call vote was taken:

183 Chairman Brink – Aye

184 Vice Chair O’Bannon – Aye

State Board of Elections
Tuesday, September 14, 2021
FINAL Meeting Minutes

185 Secretary LeCruise – Aye

186 Ms. Chiang – Aye

187 Delegate Merricks – Aye

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

189 Secretary LeCruise moved to adjourn the meeting. Ms. Chiang seconded the motion and the
190 motion passed unanimously.

191 The meeting adjourned at approximately 3:14 P.M.

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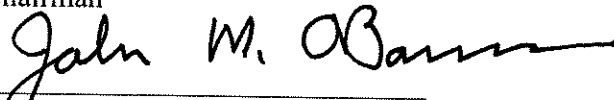
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Chairman

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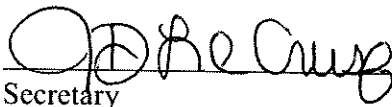
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Vice Chairman

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Secretary

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Board Member

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Board Member

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