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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.

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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 5th General Election. Commissioner Piper informed the Board that ELECT would be providing the Risk Limiting Audit report at the December Board meeting.

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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 5th, 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
33 Brink opened the floor to public comment. Carol Noggle, League of Woman Voters of Virginia,
34 stated that they support 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 the 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 acknowledges the potential cost that is associated with the expansion of early voting. Kate
42 Hanley, Secretary of the Fairfax County Elections Board, stated that she appreciates that the
43 Report allowed the smaller localities to participate. Allison Robbins, President of the Virginia

44 Registrar Association, looked forward to continue discussions and appreciated being a part of the
45 Report. Vice Chair O’Bannon stated that he will be dissenting to Item #8 on page 13 of the
46 report. Secretary LeCruise *moved the State Board of Elections approve the report as presented*
47 *and direct the Department of Elections to submit the report to the Governor, General Assembly,*
48 *and 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 a yard sign lacking the required disclosure language. She explained that the
61 complaint was sent anonymously, and this would be a first time violation for the candidate. Ms.
62 Price addressed the Board and explained that the complaint was dated August 2nd, but she did not
63 receive her signs until August 5th. She informed the Board that she is a first time candidate and
64 was unaware of the disclosure needing to be on the yard sign. Ms. Price apologized to the Board
65 and presented the Board with the updated yard signs showing the disclosure. She informed the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

153 two on October 26th, each penalty would be doubled per the Board’s Schedule of Penalties,
154 which states that “If the advertisement is disseminated or on display in the 14 days prior to or on
155 the Election Day for which the advertisement pertains, the above penalties will be doubled and
156 the maximum penalty would be \$2,500.” Ms. Smith addressed the Board and apologized. She
157 explained that the signs presented were the original signs from the first campaign run. Ms. Smith
158 stated that there were signs that were missing or stolen that had not been found. She informed the
159 Board that the signs presented today were located in Charlotte and Pittsylvania County, Virginia.
160 Ms. Smith stated that she believes the signs were held until the proximity of the elections,
161 knowing the penalty would be doubled.

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

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

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

194 The next complaint was against Gilbert A. Smith. Ms. Schneider presented the Board
195 with one pamphlet lacking the required disclosure language. Mr. Smith addressed the Board and
196 apologized for the error. Due to the apology Secretary LeCruise moved *subject to the Board’s*

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

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

209 The next complaint was against Kiser for Delegate. Ms. Schneider presented the Board
210 with one handcard lacking the required disclosure language. She informed the Board that ELECT
211 has not received a response from the candidate. Secretary LeCruise moved *subject to the Board’s*
212 *authority under the Code of Virginia §24.2-955.3, to find Kiser for Delegate in violation of*
213 *§24.2-956 print media requirements with regard to one print media advertisement and assess a*
214 *\$100 penalty for a first-time violation. Vice Chair O’Bannon seconded the motion, and the*
215 *motion passed unanimously.*

216 The next complaint was against Lyndsey Dotterer. Ms. Schneider presented the Board
217 with one door hanger lacking the required disclosure language. She informed the Board that
218 ELECT has not received a response from the candidate. Vice Chair O’Bannon moved *subject to*

219 *the Board's authority under the Code of Virginia §24.2-955.3, to find Lyndsey Dotterer in*
220 *violation of §24.2-956 print media requirements with regard to one print media advertisement*
221 *and assess a \$100 penalty for a first-time violation.* Secretary LeCruise seconded the motion, and
222 the motion passed unanimously.

223 The next complaint was against Michael J. Hallahan, II – Candidate for Supervisor. Ms.
224 Schneider presented the Board with one insufficiently conspicuous door hanger lacking the
225 required disclosure language. She informed the Board that Mr. Hallahan provided a response.
226 Curtis Marshall addressed the Board on behalf of Mr. Hallahan. Mr. Marshall explained to the
227 Board that the complaint was viewed in June, so he had no opportunity to remedy the error. He
228 stated that Mr. Hallahan apologized for the error as he was unaware of the font size. Due to the
229 apology Vice Chair O'Bannon moved *subject to the Board's authority under the Code of*
230 *Virginia §24.2-955.3, to find Michael J. Hallahan, II – Candidate for Supervisor, in violation of*
231 *§24.2-956 print media requirements with regard to one print media advertisement and assess a*
232 *\$50 penalty for a first-time violation with an apology.* Secretary LeCruise seconded the motion,
233 and the motion passed unanimously.

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

241 The next complaint was against Ralph Parham for Treasurer. Ms. Schneider presented the
242 Board with one insert lacking the required disclosure language. She informed the Board that Mr.
243 Parham and his printing company provided a response apologizing for the error. Due to the
244 apology Vice Chair O'Bannon moved *subject to the Board's authority under the Code of*
245 *Virginia §24.2-955.3, to find Ralph Parham for Treasurer in violation of §24.2-956 print media*
246 *requirements with regard to one print media advertisement and assess a \$50 penalty for a first-*
247 *time violation with an apology or remedial action.* Secretary LeCruise seconded the motion, and
248 the motion passed unanimously.

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

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

262 The next complaint was against Shick for Gainesboro District School Board. Ms.
263 Schneider presented the Board with one t-shirt and two signs lacking the required disclosure
264 language. She informed the Board that ELECT has not received a response from the candidate.
265 Vice Chair O'Bannon moved *subject to the Board's authority under the Code of Virginia §24.2-*
266 *955.3, to find Shick for Gainesboro District School Board in violation of §24.2-956 print media*
267 *requirements with regard to three print media advertisements and assess a \$300 penalty for*
268 *three first-time violations*. Secretary LeCruise seconded the motion, and the motion passed
269 unanimously.

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

279 The next complaint was against Whitbeck for Chairman. Ms. Schneider presented to the
280 Board three newspaper advertisements lacking the required disclosure language. She informed
281 the Board that ELECT has not received a response from the candidate. Secretary LeCruise
282 moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Whitbeck*
283 *for Chairman in violation of §24.2-956 print media requirements with regard to three print*

284 *media advertisements and assess a \$300 penalty for three first-time violations.* Vice Chair

285 O'Bannon seconded the motion, and the motion passed unanimously.

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

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

302 Chairman Brink opened the floor to the public. Katie Boyle on behalf of the Virginia
303 Association of Counties, Jessica Ackerman on behalf of the Virginia Municipal League, Jason
304 Corwin, Mecklenburg County, General Registrar all addressed the Board. Vice Chair O'Bannon
305 *moved that the Board adopt the proposed HB2178 minimum security standards related to*

306 *information systems identified as sensitive to election related activities.* Secretary LeCruise
307 seconded the motion, and the motion passed unanimously.

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

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313 Chairman

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316 Vice Chair

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319 Secretary