



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Friday, December 21, 2018
Senate Room 3
Virginia State Capitol
Richmond, VA
2:00 P.M.

SBE Board Working Papers



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: Friday, December 21, 2018

LOCATION: Senate Room 3

Virginia State Capitol

Richmond, VA

TIME: 2:00 p.m.

- I. CALL TO ORDER** *James B. Alcorn
Chair*
- II. APPROVAL OF MINUTES**
November 19, 2018 *Singleton McAllister
Secretary*
- III. COMMISSIONER'S REPORT** *Christopher E. "Chris" Piper
Commissioner*
- IV. REPORT ON THE NOVEMBER GENERAL ELECTION** *Christopher E. "Chris" Piper
Commissioner*
- V. AMENDMENT TO CANDIDATE PETITION REGULATION**
A. Public comment *Samantha Buckley
Policy Analyst*
- VI. CERTIFICATIONS** *Matthew Abell
Election Administrator*
A. Certification of the December Special Election
B. Re-Certification of U.S. House District 6
C. Re-Certification of U.S. House District 11
- VII. "Republicans for Stanley Bender"** *Christopher E. "Chris" Piper
Commissioner*
- VIII. OTHER BUSINESS & PUBLIC COMMENT**
- IX. ADJOURNMENT**

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

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



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STATE BOARD *of* ELECTIONS

Approval of Minutes

BOARD WORKING PAPERS
Singleton McAllister
Secretary

1 MINUTES

2

3 The State Board of Elections board meeting was held on Monday, November 19,
4 2018 in Senate Room 3 of the Virginia State Capitol, Richmond, Virginia. In attendance:
5 James Alcorn, Chairman, Clara Belle Wheeler, Vice Chair, and Singleton McAllister,
6 Secretary, represented the State Board of Elections (“The Board”). On behalf of the
7 Department of Elections (“ELECT”) was Christopher E. “Chris” Piper, Commissioner, and
8 Jessica Bowman, Deputy Commissioner. Heather Hays Lockerman and Adam West
9 represented the Office of the Attorney General (“OAG”). Chairman Alcorn called the
10 meeting to order at 9:10 AM.

11 Chairman Alcorn explained that the meeting time had moved from the originally
12 scheduled 11:00 a.m. time due to a personal matter. The Chairman recognized that
13 candidates and candidate representatives had been notified that they would have Stand By
14 Your Ad (“SBYA”) hearings during this meeting at 11:30 a.m.; therefore the Board would
15 certify the November election, recess, and then reconvene at 11:00 a.m. to hear SBYA
16 complaints. Chairman Alcorn stated that the Board normally had a review and discussion
17 of an election on the meeting after the election, but that ELECT staff was compiling a
18 thorough report for presentation during the December 21, 2018 meeting; therefore, the
19 Board would hold that discussion during the next meeting.

20 The first order of business was the approval of the October 9, 2018 Board meeting
21 minutes, presented by Secretary McAllister. The Secretary moved *the Board approve the*
22 *minutes from the October 9, 2018 Board meeting.* Vice Chair Wheeler seconded the
23 motion, and the motion passed unanimously.

24 The next order of business was the Commissioner’s report, presented by
25 Commissioner Piper. The Commissioner stated that ELECT staff was gathering evidence-
26 based information to create a full report for presentation to the Board for the December 21st
27 meeting, including recommendations for improvements that could be implemented moving
28 forward. Commissioner Piper said the November 6 General Election went relatively
29 smooth, with a nearly unprecedented turnout for a midterm election. The Commissioner
30 recognized the hard work of general registrars (“GRs”), electoral board (“EB”) members,
31 and ELECT staff. Commissioner Piper thanked the members of the Board for their

32 presence in the ELECT office on election day. There were some issues, but the issues were
33 resolved quickly. Commissioner Piper asked the Board to send any concerns, suggestions,
34 or questions they may have to him by email so the points could be addressed in the report
35 to be presented on December 21.

36 As a result of the November election, there were two special elections scheduled:
37 one on December 18 for the 24th House of Delegates seat, and one on January 8 for State
38 Senate. The Board was going to meet on December 21 to certify the December 18 special
39 election, and on January 11 to certify the January 8 special election. Commissioner Piper
40 also informed the audience that if any individual was early for the SBYA hearings, to sign
41 a sign-in sheet so their hearings could be held first. Chairman Alcorn asked the
42 Commissioner when the Board should send their concerns and suggestions to him for
43 inclusion in the report, and the Commissioner suggested Monday, November 26.

44 Vice Chair Wheeler said that during the November election, many localities did an
45 exceptional job; but that a number of localities had very serious issues. The Vice Chair
46 stated that in these localities there were a number of Code violations, and that the localities
47 were not prepared for the high turnout. Vice Chair Wheeler recognized the hard work and
48 success of the majority of localities. Chairman Alcorn agreed, stating most localities did
49 an excellent job to run a smooth, non-partisan election, but that there were some localities
50 and issues to discuss at the December 21 meeting.

51 Commissioner Piper recognized two new staff members with ELECT. The first
52 was Keith Balmer, who joined the liaison division. Mr. Balmer was formerly a staff
53 member with the City of Richmond GR. The Commissioner said the liaison division was
54 the primary pipeline for communication between ELECT and localities, and that Mr.
55 Balmer would be a valuable addition to the team. The second new staff member was Paul
56 Kyber, who joined the communication division. Mr. Kyber previously worked with
57 various media organizations, including the Richmond-Times Dispatch. Mr. Kyber would
58 be assisting with social media and handling the press room.

59 The next order of business was for the Board to certify the November General
60 Election. Matt Abell, Elections Administrator, presented the item. Mr. Abell stated that
61 the presented results from the November election were for the U.S. Senate, U.S. House of
62 Representatives, two proposed constitutional amendments, and the House of Delegates

63 race in the 8th district of Virginia. Mr. Abell presented the Board with packets that included
64 the totals for each race, and the certificates of election for their signature. Chairman Alcorn
65 recalled when the Board would previously read out the totals for each race line-by-line
66 during the meeting, but stated the Board changed this procedure to save time during the
67 meetings. The Board then signed each certificate of election and reviewed the abstracts.
68 Chairman Alcorn asked why there were multiple copies of the certificates, and Mr. Abell
69 stated that one copy was to go the Clerk’s office, one would go to the winner of the election,
70 and one would be kept by ELECT as a record. Vice Chair Wheeler reminded the audience
71 that if they had concerns or suggestions, to submit those using ELECT’s online voter
72 complaint process. Chairman Alcorn stated that the new online voter complaint process
73 allowed ELECT staff to track all complaints and questions down to the precinct level, and
74 to follow up on each one. Chairman Alcorn then moved, after reviewing the abstracts of
75 votes cast in the November 6, 2018 General and Special Elections, *that the Board certify*
76 *the results as presented and sign the certificates of election.* Secretary McAllister seconded
77 the motion and the motion passed unanimously.

78 Chairman Alcorn moved *the Board recess until 11:00 a.m.* Vice Chair Wheeler
79 seconded the motion, and the motion passed unanimously.

80 The Chairman moved *the Board reconvene.* Vice Chair Wheeler seconded the
81 motion and the motion passed unanimously. The Board reconvened at 11:05 a.m. The
82 next order of business was SBYA hearings, presented by Arielle A. Schneider, Policy
83 Analyst.

84 The first complaint was against Kelly Burke for Mayor. The advertisement in
85 question was a large hanging flyer. ELECT did not receive an image of the backside of
86 the flyer so could not attest if the backside had a disclaimer. The ad contained express
87 advocacy. Ms. Schneider recommended the Board find a violation and assess a \$100 civil
88 penalty. Kelly Burke, the candidate, informed the Board that the sign was created after she
89 donated money to the high school. The high school designed the sign and hung it up; Ms.
90 Burke stated she had no control over the sign’s design or its lack of disclaimer. Upon
91 discovering that the sign was missing a disclaimer, Ms. Burke created an additional sign to
92 attach to the large hanging sign with the proper disclaimer on it. Ms. Burke stated the high
93 school said that the sign would not include the words “vote for,” since that would constitute

94 advocacy, but did include Ms. Burke’s website, which included the words “vote for” in the
95 URL.

96 Vice Chair Wheeler asked if Ms. Burke had children that went to the school. Ms.
97 Burke replied her children had gone there previously. Ms. Burke apologized for the absent
98 disclaimer. Chairman Alcorn asked if Ms. Burke saw a proof of the sign before it was put
99 up, and Ms. Burke said she did not. The Chairman asked if Ms. Burke donated money
100 knowing it would result in a sign, and Ms. Burke said yes. Chairman Alcorn asked the
101 OAG counsel if there had to be intent for express advocacy on behalf of the candidate
102 paying for the advertisement. Ms. Lockerman said that intent did not factor into whether
103 or not a violation occurred. Ms. Schneider noted that ELECT was not aware that Ms. Burke
104 attempted to ameliorate the situation, so changed her recommendation for a civil penalty
105 of \$50, rather than the originally proposed \$100. Chairman Alcorn moved *subject to the*
106 *Board’s authority under the Code of Virginia §24.2-955.3, to find Kelly Burke for Mayor*
107 *in violation of Stand By Your Ad with regard to one print media advertisement and to assess*
108 *a \$50 penalty.* Vice Chair Wheeler seconded the motion and the motion passed
109 unanimously.

110 The next complaint was against Paloma Saucedo de la Pena. Ms. Schneider
111 presented the Board with the complaint in question, which was a yard sign for Paloma for
112 City Council. Ms. Schneider stated the complaint was submitted before the 14 day period
113 before the election that would double the penalty, and recommended a \$100 penalty for a
114 first time violation. Vice Chair Wheeler asked when the sign was reported and Ms.
115 Schneider said ELECT received the complaint in the middle of September.

116 Teresa Hinkley, the treasurer for Ms. de la Pena’s campaign, addressed the Board
117 and apologized for the oversight. Ms. Hinkley explained that the campaign staff was
118 inexperienced, and upon realizing the disclaimer was missing, put labels on all signs with
119 the proper disclaimer. Chairman Alcorn asked Ms. Hinkley if this was her first campaign,
120 and she said that it was. Vice Chair Wheeler asked if Ms. Hinkley went to the GR’s office
121 with the candidate to discuss candidate requirements, and Ms. Hinkley said she did not, but
122 went with the candidate to set up all bank accounts. Chairman Alcorn moved *subject to*
123 *the Board’s authority under the Code of Virginia §24.2-955.3, to find Paloma Saucedo de*
124 *la Pena in violation of Stand By Your Ad with regard to one print media advertisement and*

125 *to assess a \$50 penalty.* Secretary McAllister seconded the motion, and the motion passed
126 unanimously.

127 The next complaint was against Tony Zevgolis. Ms. Schneider presented the sign
128 in question, and informed the Board that ELECT received the complaint directly before the
129 election, doubling the fine due to proximity to the election; the advertisement also
130 contained express advocacy and was missing the required disclosure. Tony Zevgolis,
131 candidate, addressed the Board. Mr. Zevgolis explained that he originally ordered 250
132 signs for his campaign in 2014, when SBYA did not exist; therefore, originally, the
133 disclaimer was not required. Mr. Zevgolis had 172 signs remaining from the 2014 election,
134 so reused the signs during the 2018 election. Mr. Zevgolis attested he marked every sign
135 with marker with the required disclaimer, and stated that the disclosure was likely on the
136 other side of the sign in the picture included in the complaint. Mr. Zevgolis further
137 explained that he was harassed during his campaign, and believed the complaint could be
138 connected with the harassment.

139 Chairman Alcorn asked if the disclosure was required on both sides of the sign.
140 Ms. Schneider said it was not, but stated that if the signs were purchased prior to 2015,
141 they were exempt from the provisions of SBYA as per the definition in §24.2-955.1 which
142 stated that, “yard signs paid for or distributed prior to July 1, 2015, shall not be subject to
143 the provisions of §§ 24.2-956 and 24.2-956.1.” Chairman Alcorn asked if Mr. Zevgolis
144 could provide evidence that the signs were indeed purchased prior to 2015, and Mr.
145 Zevgolis said he could and would send the evidence to Ms. Schneider. The Chairman
146 suggested tabling the hearing for a future meeting; upon receipt of the evidence, the Board
147 could dismiss the charges. Vice Chair Wheeler thanked Mr. Zevgolis for reusing signs.
148 Chairman Alcorn moved *the Board table the complaint against Tony Zevgolis for the day.*
149 Vice Chair Wheeler seconded the motion, and the motion passed unanimously.

150 The next complaint was against Marc T. Aveni. Ms. Schneider informed the Board
151 that there were four undisclosed yard signs included in the complaint. Ms. Schneider noted
152 two of the signs were reported on August 24, and were subject to \$100 civil penalties each
153 for first time violations. The other two signs were reported on October 28, which was
154 within 14 days of the election; therefore, the penalties were doubled due to proximity to
155 the election. Ms. Schneider recommended a \$200 penalty for each. The complaint

156 therefore would result in a \$600 penalty. Vice Chair Wheeler asked if there was any
157 attempt to remediate the issues, and Ms. Schneider said ELECT was not made aware of
158 any attempts.

159 Marc Aveni, candidate, addressed the board. Mr. Aveni stated he did not receive
160 notice of the violations until after the election, so was not given an opportunity to remedy
161 the signs before the penalties were doubled. Mr. Aveni said the first sign was put in a ball
162 field and put up after he gave a donation to the field. Mr. Aveni attested he was not
163 involved in the design of the sign, so was not aware that it was missing the required
164 disclaimer. Mr. Aveni said both the first and second signs were taken down before the
165 election, as the first was taken down at the request of the governing body and the second
166 was on a lot that was sold. All of the signs were printed by a volunteer who worked with
167 a local printer that did not regularly print campaign materials, so was not aware of the
168 disclosure requirements. Mr. Aveni admitted he should have provided more oversight, and
169 stated he would have remedied the situation had he known of the violations prior to his
170 notification of the hearing.

171 Vice Chair Wheeler asked if Mr. Aveni saw any of the signs during his travel for
172 his campaign, and Mr. Aveni said he did but was always too far away to notice whether or
173 not there was proper disclosure. Mr. Aveni noted that the on the website listed on the signs,
174 there was proper disclosure. Mr. Aveni took responsibility for the oversight, but asked for
175 leniency, particularly for those where the penalty was doubled because he was not made
176 aware of the mistake until after the election. Chairman Alcorn asked when ELECT was
177 made aware of the violations. Ms. Schneider stated ELECT received a complaint for all of
178 the signs at once after October 28, so was unable to provide Mr. Aveni notice earlier.

179 Chairman Alcorn moved *subject to the Board's authority under the Code of*
180 *Virginia §24.2-955.3, to find Marc Aveni in violation of Stand By Your Ad with regard to*
181 *four print media advertisements and to assess a \$600 penalty.* Vice Chair Wheeler
182 seconded the motion. Secretary McAllister asked the Board be more lenient, given it was
183 a first time violation and because the complainant did not give Mr. Aveni an opportunity
184 to remedy the situation after noticing the August 24 signs were not disclosed. The
185 Secretary suggested a \$50 penalty for each sign, but was open to other recommendations.
186 Chairman Alcorn suggested a \$300 penalty, as the October 28 ads would still be doubled

187 due to proximity to the election. Vice Chair Wheeler agreed with reducing the fine, but
188 stated that candidates had to be more careful when working with any printer or volunteers
189 to ensure that the proper disclosure was put on all signs. Chairman Alcorn amended the
190 motion to change the \$600 civil penalty to a \$300 civil penalty; with \$50 penalties for the
191 first two signs for a first time violation with an explanation, and \$100 penalties for the other
192 two signs for a first time penalty with explanation, doubled due to proximity to the election.
193 Vice Chair Wheeler seconded the motion and the motion passed unanimously.

194 The next complaint was against Victoria Manning for Virginia Beach School
195 Board. Ms. Schneider stated the advertisement contained no express advocacy under the
196 current definition, so recommended the Board find no violation. Chairman Alcorn moved
197 *the Board dismiss the complaint against Victoria Manning for Virginia Beach School*
198 *Board*. Secretary McAllister seconded the motion and the motion passed unanimously.

199 The next complaint was against Paul Milde. Ms. Schneider noted the
200 advertisements in question did constitute express advocacy, but also contained the proper
201 disclosure, albeit in two parts. Ms. Schneider noted the first side of the advertisement
202 included “Paid for by Friends of Paul Milde, Authorized by Paul Milde,” and the second
203 side included “Not authorized by any other candidate or Committee”; together, these two
204 disclaimers made a complete proper disclosure. Chairman Alcorn moved *the Board*
205 *dismiss the complaint against Paul Milde*. Vice Chair Wheeler seconded the motion and
206 the motion passed unanimously.

207 The next complaint was against Preston Banks for City Council. Ms. Schneider
208 presented the series of images submitted with the complaint; the complaint consisted of a
209 website and a hand card. Ms. Schneider stated the website was disclosed at some point
210 after the complaint was submitted, so recommended a \$50 penalty for a first time violation
211 with remedial action. Ms. Schneider said ELECT received no evidence that there was an
212 attempt to ameliorate the hand card, so recommended a \$100 penalty for a first time
213 violation, totaling in a \$150 civil penalty.

214 Preston Banks, candidate, addressed the Board. Mr. Banks stated the website
215 submitted as part of the complaint was not a campaign website, but rather, the website from
216 when he was in office which served as a resource for constituents. Upon updating the
217 website when he was once again a candidate, he added the required disclosure. Mr. Banks

218 presented a second printing the hand card submitted as part of the complaint as evidence
219 that he did add a disclosure upon being notified that it did not have it initially. Mr. Banks
220 stated his local GR notified him of the missing disclosure in August or September.

221 Chairman Alcorn recommended dropping the \$100 recommended penalty for the
222 hand card to a \$50 penalty as Mr. Banks added the required disclosure. The Chairman
223 asked if the website contained express advocacy. Ms. Schneider noted the URL for the
224 website was “VoteforBanks.com,” which contained the “magic words” necessary to
225 constitute express advocacy; because the website did not contain the disclosure at the time
226 of the complaint, it was in violation of SBYA until Mr. Banks updated the website upon
227 his candidacy with the required disclosure. Mr. Banks stated he did not change the URL
228 as “VoteforBanks” was the URL that his constituents were familiar with. Vice Chair
229 Wheeler asked how long Mr. Banks had served on city council, and Mr. Banks said it was
230 his third term. Vice Chair Wheeler stated the website as submitted in the complaint, which
231 was Mr. Banks’s website when he was in office, was not a campaign tool and rather was a
232 resource for constituents.

233 Deputy Commissioner Bowman asked who paid for the website when Mr. Banks
234 was in office. Mr. Banks said he did. The Deputy Commissioner asked if Mr. Banks
235 included the website in his campaign finance report during those years, and Mr. Banks said
236 no, as he was not campaigning. The Vice Chair stated she did not see a violation, as the
237 website was paid for with Mr. Banks’s own funding when he was not campaigning, and
238 included the proper disclosure when he was campaigning. Chairman Alcorn said he felt
239 the website still was in violation, as “VoteforBanks” was still the URL and contained
240 express advocacy, even though Mr. Banks was not actively campaigning. The Chairman
241 stated Mr. Banks could have changed the URL while in office to avoid this issue. Mr.
242 Banks disagreed as it was the URL his constituents were familiar with, but the Chairman
243 stated there were plenty of alternatives that could have been used. The Chairman
244 recommended a \$50 penalty for the website, as it had been remediated, as well as a \$50 for
245 the hand card. Chairman Alcorn moved *subject to the Board’s authority under the Code*
246 *of Virginia §24.2-955.3, to find Preston Banks for City Council in violation of Stand By*
247 *Your Ad with regard to two advertisements and to assess a \$100 penalty.* Secretary
248 McAllister seconded the motion and the motion passed unanimously.

249 Chairman Alcorn left the meeting for a personal matter. Ms. Schneider suggested
250 the Board table the rest of the SBYA hearings until January 11 as no other candidates or
251 representatives were currently present. Vice Chair Wheeler noted that all the candidates
252 had been given notice that there would be a hearing during this meeting, but chose not to
253 appear. Secretary McAllister moved *the Board table the rest of the SBYA hearings until*
254 *the January 11 meeting*. Vice Chair Wheeler seconded the motion and the motion passed
255 2:0.

256 The meeting then opened to public comment. William Card, a member of the
257 Prince William County Republican Committee, addressed the Board. Mr. Card stated he
258 forwarded a letter to the Board members, Commissioner Piper, the Commonwealth's
259 Attorney, the OAG, and the GR regarding the topic he was about to discuss. Mr. Card
260 stated that during the Prince William County School Board election, there were three
261 candidates, with two candidates endorsed by a political party. Alyson Satterwhite was
262 endorsed by the Republican Party, Babur Lateef was endorsed by the Democratic Party,
263 and Stanley Bender was running as an independent candidate. Mr. Card attested that Mr.
264 Bender did not raise money or campaign, and only participated in two of the three forums.
265 Mr. Card stated that on October 24, Harry Wiggins, past Chairman of the Democratic
266 Committee in Prince William County, registered a political action committee ("PAC")
267 called "Republicans for Stanley Bender."

268 Mr. Card stated that the Republican Committee was made aware of the PAC on
269 November 6, during the election, when the Committee began to receive pictures from
270 around the county showing yard signs that read "Republicans for Stanley Bender." The
271 Committee did not remove the signs. Mr. Card stated that because voters believed that Mr.
272 Bender was a Republican candidate, that votes were driven away from Ms. Satterwhite and
273 to the Democratic candidate. Mr. Card said it was not possible to know how many voters
274 were impacted or influenced by the "Republicans for Stanley Bender" signs, but believed
275 that the actions of Mr. Wiggins and the PAC influenced the results of the election and were
276 a violation of §24.2-949.3.

277 Mr. Card said that Mr. Bender stated in a newspaper that he had no knowledge that
278 his name was being used by the PAC, and that there was a signed affidavit from Mr. Bender
279 attesting to such in the packet sent to the Board. Vice Chair Wheeler agreed with Mr. Card

280 that there was a violation and that there had been an egregious action made.
281 Commissioner Piper said ELECT informed Mr. Card they were investigating the matter,
282 and would present a full report upon investigation to the Board during the December 21
283 meeting. The Commissioner said that ELECT had to develop procedures and policies
284 around the matter, and would need to work with the OAG on the issue. Mr. Card
285 acknowledged the Board and ELECT only received his letter on Friday, but wanted to
286 voice his concern during the meeting. Secretary McAllister thanked Mr. Card for bringing
287 the issue to the Board's attention, and assured that there would be a full report on the matter
288 during the December 21 meeting.

289 Vice Chair Wheeler then moved to adjourn the meeting. Secretary McAllister
290 seconded the motion, and the motion passed 2:0. The meeting was adjourned at
291 approximately 12:27 PM. The next Board meeting will be on December 21, 2018 at 2:00
292 p.m.

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Secretary

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Chair

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Vice Chair



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS
Christopher E. "Chris" Piper
Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Report on the November General Election

BOARD WORKING PAPERS
Christopher E. “Chris” Piper
Commissioner



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

November 6, 2018
Post-Election Report

November 6, 2018 Post-Election Report

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Introduction

Each election in the Commonwealth of Virginia tells a story of anticipation, polls, results, candidates, voters, and election administration. As election officials, we are tasked with ensuring fairness and uniformity in our practices. While the story of any election is filled with anecdotes of specific instances both good and bad, the real story of administering the election is told in the data.

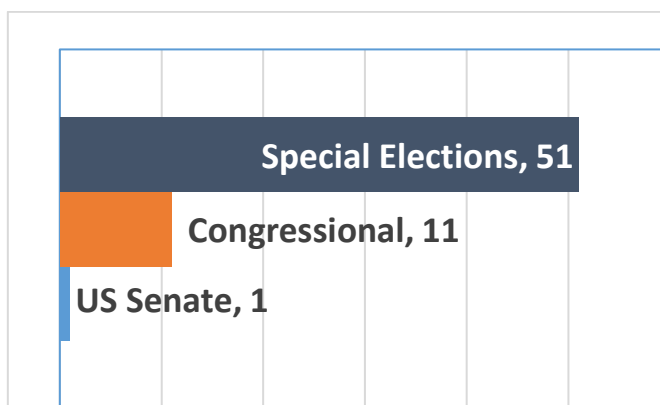
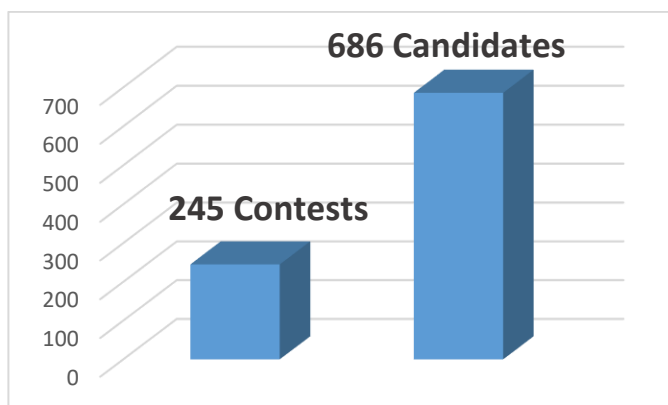
This report seeks to tell the story of the 2018 General Election through its data. By presenting the broad picture, we can see trends and find areas for improvement in future elections. As we look at different aspects of the election, we can identify areas of concern for additional training and issues where we can work together to develop best practices.

Contests and Candidates

November 2018 saw a variety of office contests, two constitutional amendments, and local issues on voters' ballots. The election for United States Senate included three (3) candidates. There were 11 contests for United States House of Representatives and multiple local and constitutional offices on the ballot.

Candidate processing at the state and localities was managed without incident with one exception. In Virginia's 2nd Congressional District, a candidate had qualified to run as an independent. A Richmond Circuit Court Judge determined there were multiple issues negatively impacting the candidate's petition-gathering process, invalidated all of the candidate's petition pages, and ordered the candidate's name removed from the ballot.

The State Board of Elections saw its first instance of a candidate availing himself of the qualification appeal process prescribed in Code of Virginia § 24.2-506(C) and further detailed in 1 VAC 20-50-30. It had been determined that a candidate had failed to provide a sufficient number of valid signatures in order to qualify as a candidate for Virginia's 4th Congressional District. The candidate appealed under § 24.2-506(C), the State Board met to hear his appeal, further considered disputed signatures, and ultimately found the candidate had collected the required number of signatures to qualify to have his name printed on the ballot.

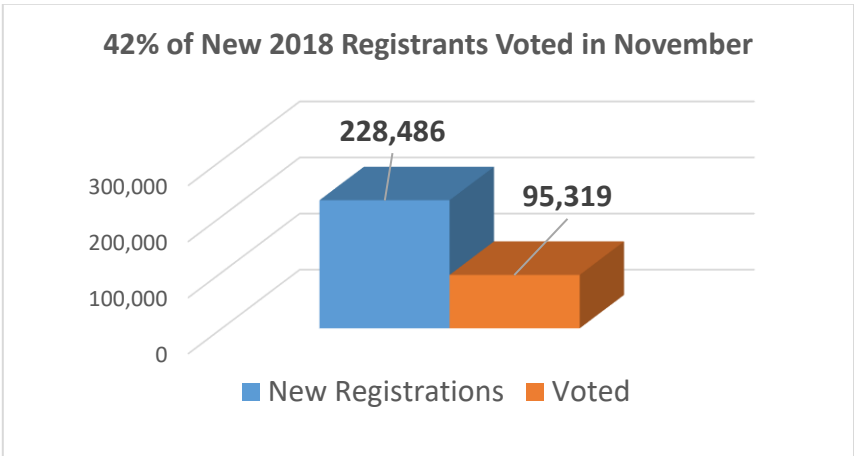
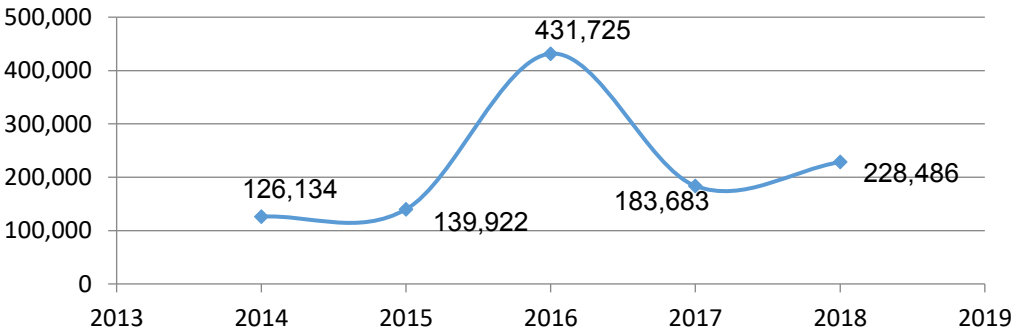


Participation

Newly Registered Voters

One of the recurring stories of 2018 involved people registering to vote in greater numbers than in previous non-presidential election years. While new registrations did not equal the numbers seen in the most recent presidential election year, the overall trend in non-presidential years is clear: more people are registering to vote. When the data is compared to the most recent comparable election (November 2014), the Commonwealth saw an 80% increase in the number of new registrations. Forty-two percent (42%) of these newly registered voters cast a ballot in the 2018 General Election.

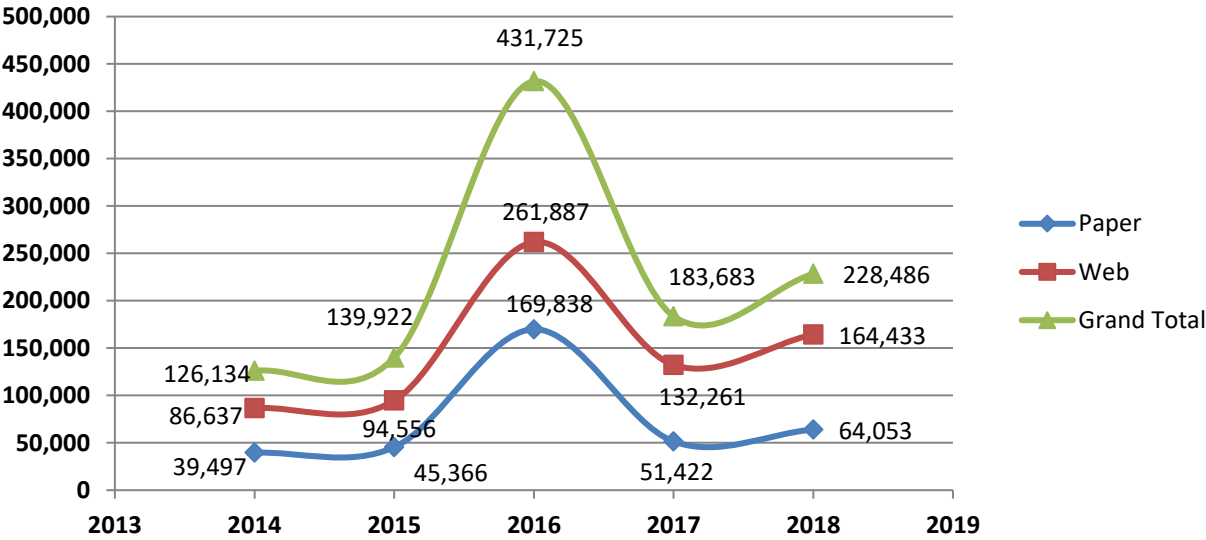
New Registrations, 2014-2018



Method Use to Register

Since the implementation of electronic registration at the Department of Motor Vehicles and the online voter registration portal in 2014, the percentage of people registering to vote electronically instead of by paper application has increased. The number of registrations submitted electronically as a percentage of the overall number levelled off in 2018 at 72% when compared to 2017 (also 72%). This will be an important figure to monitor over the next four years.

Web, Paper, and Total New Registrations, 2014-2018

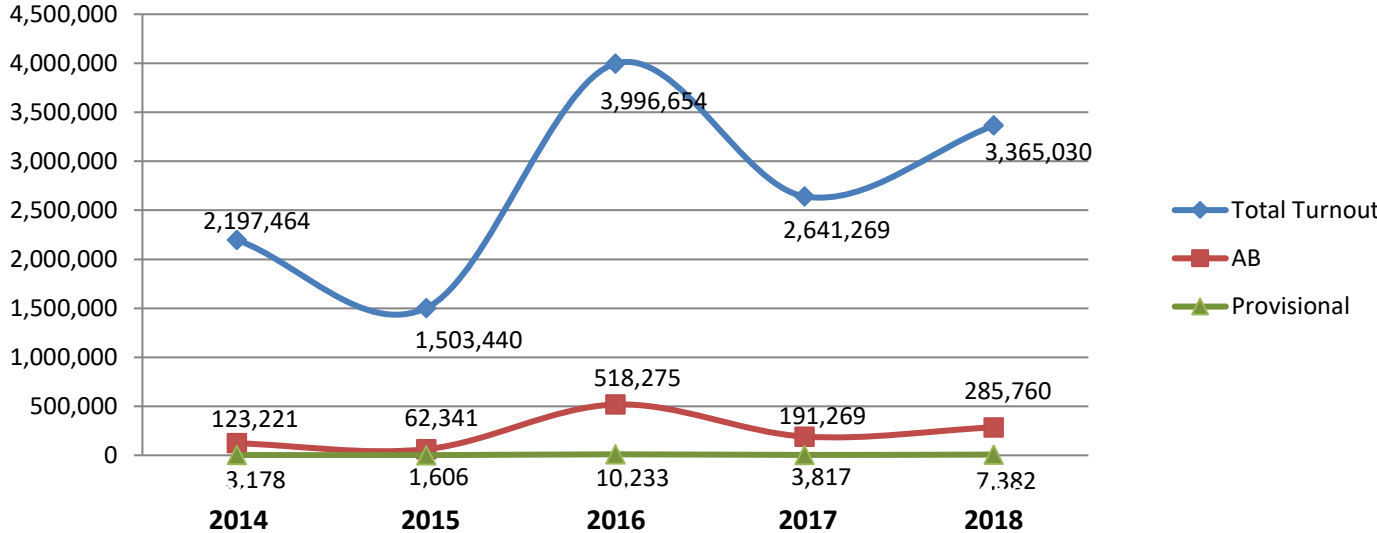


2018 November Turnout

The other major story of the 2018 election is voter turnout. As was seen all across the United States, voter turnout in the Commonwealth was higher than in any recent non-presidential election. Total voter turnout in 2018 was

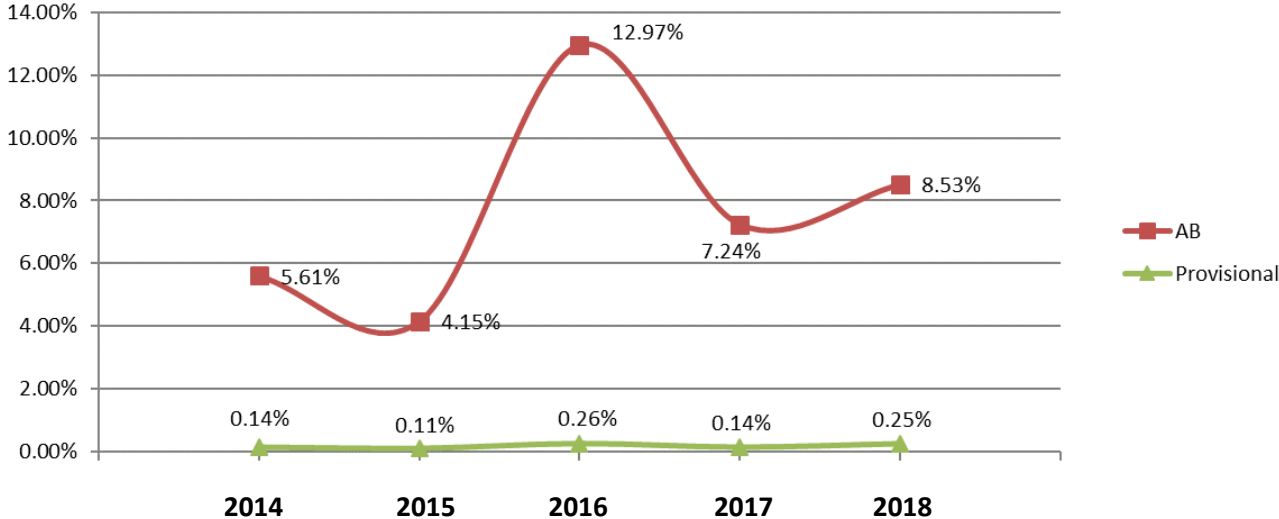
- 153% of 2014,
- 224% of 2015,
- 85% of 2016, and
- 127% of 2017.

2014-18 Total Turnout, AB, and Provisional Voting



Virginia continues to see a rise in both the number and percentage of voters choosing to vote absentee over previous non-presidential election years. The chart above provides the actual numbers, and the chart below shows the percentage of absentee voting and provisional ballots cast as a portion of the overall vote total.

2014-18 Absentee and Provisional Voting as a Percentage of Turnout



November 6, 2018 Post-Election Report

A total of 374,308 Virginia voters requested an absentee ballot for the 2018 General Election – a record for non-presidential election years. Of those requests, 338,415 voters returned their ballots in time to be counted using the methods shown in the chart below.

Total number of absentee ballots requested for the 2018 November General Election:

374,308

Absentee ballots returned on or before Election Day (November 6, 2018) grouped by return method:

Return Method	Count	%
Designated Representative	137	0.04%
In Person	195,409	57.74%
Mail	142,602	42.14%
Mail (Non-USPS)	267	0.08%
Grand Total	338,415	100%

Even though the ballots are not eligible to be counted, general registrars and the Department of Elections continued to track returned absentee ballots from the day after Election Day through November 30th. The results of that data are troubling. A full 6,771 absentee ballots were returned to general registrars after the Election Day deadline. The method of return can be seen in the chart below. The Department will work with general registrars in an attempt to determine if there are patterns that exist preventing the timely return of ballots.

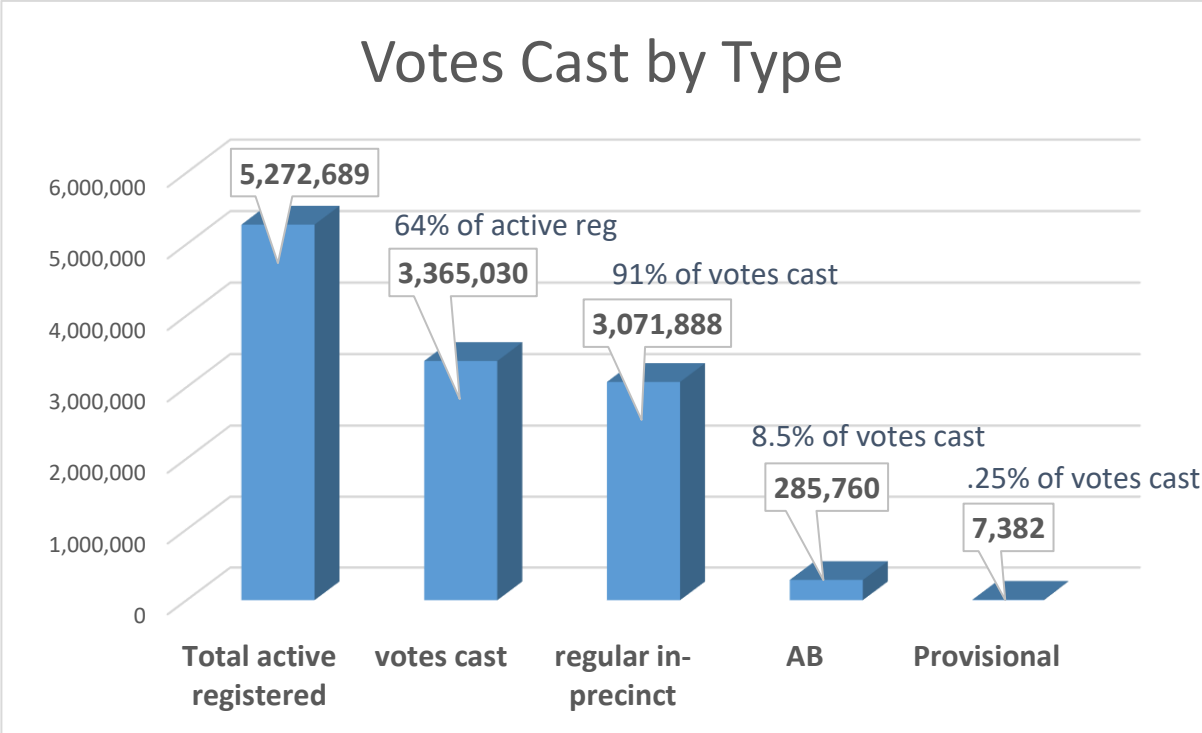
Absentee ballots returned after Election Day, grouped by return method:

Return Method	Count	%
In Person	11	0.16%
Mail	6,755	99.76%
Mail (Non-USPS)	5	0.07%
Grand Total	6,771	100%

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Voters and Votes Cast

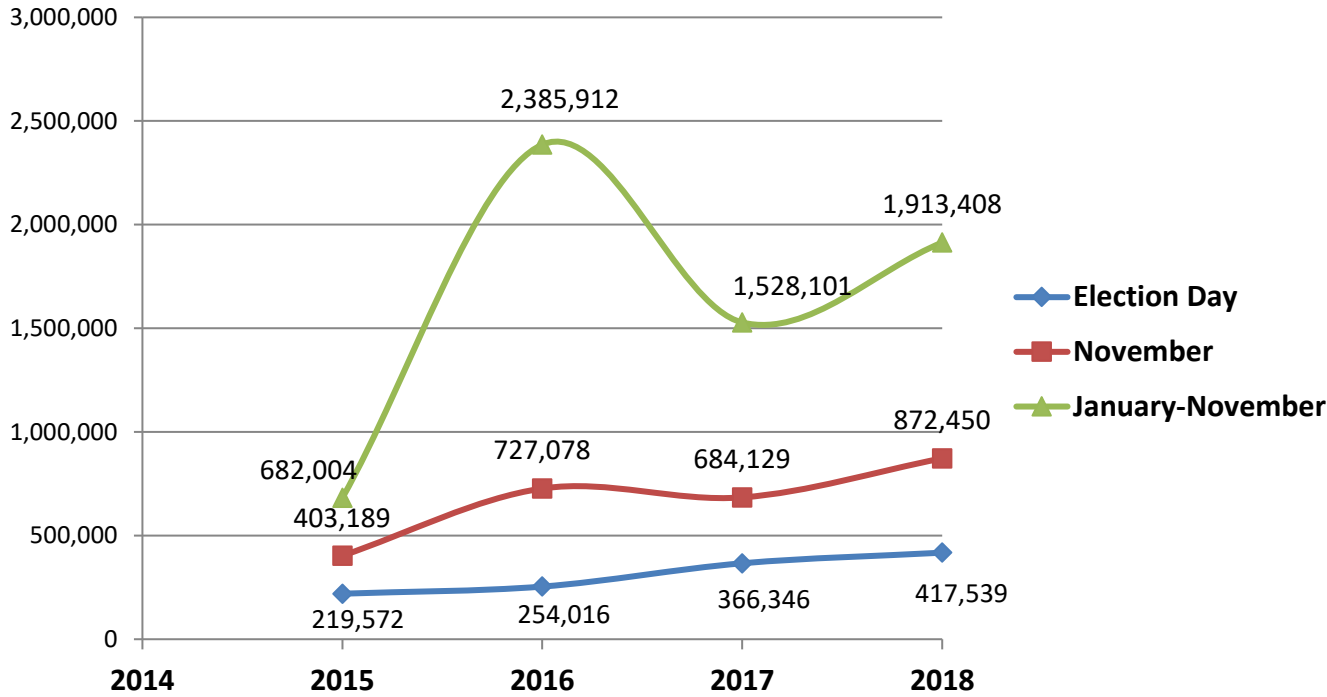
Sixty-four percent of Virginia’s active registered voters cast a ballot in the November midterms. Of those voting, 91% cast their ballot in-person in a precinct on Election Day, and 8.5% cast absentee ballots.



Web Traffic

The Department of Elections web site had more traffic on Election Day and in the whole month of November than we did for the same time periods last year and in 2016. In a trend similar to new voter registration and voter turnout, web site traffic increased over previous non-presidential election years. This trend further reflects increased interest in the election from the general public.

Elections.virginia.gov Total Visitors



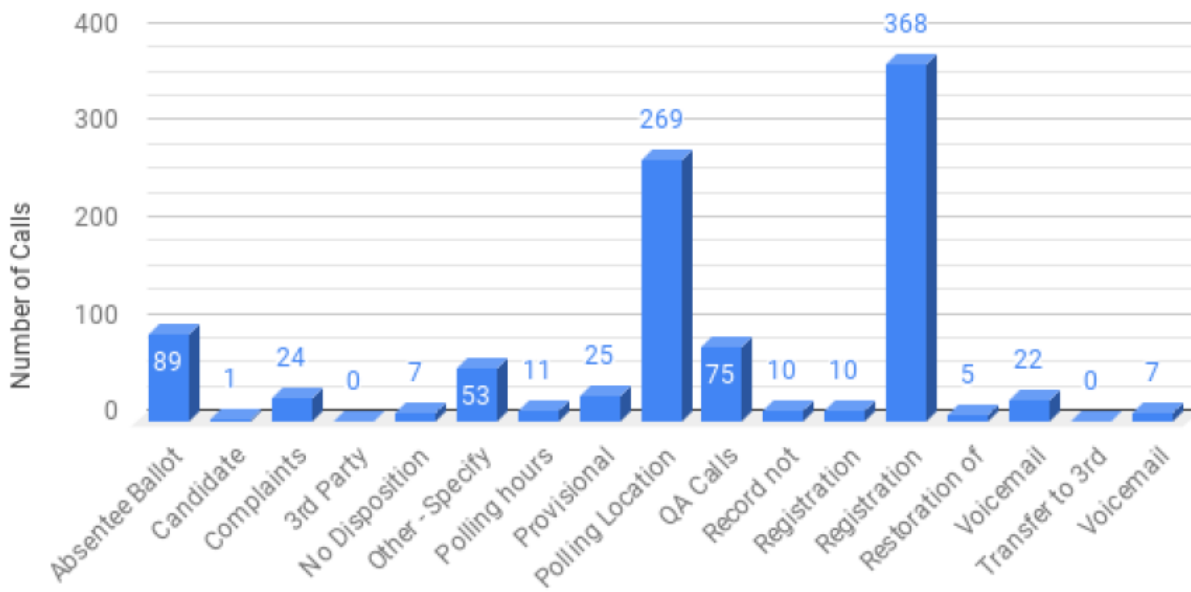
Call Center and Online Complaints

Call Center

In addition to providing information to voters, media, and the general public through the web site, the Department of Elections receives a large number of telephone calls. These calls allow us to interact directly with voters to provide information and services. As part of the effort to ensure timely management of these calls, beginning in September, the Department employed a call center. Customer service representatives were given information on some of the most frequently asked questions and instructions on when to escalate a call to staff at the Department. The first chart below shows the disposition of the 976 calls handled by the call center on Election Day. It's easy to see from the data that callers on Election Day are most interested in checking their voter registration status and locating their polling place.

ELECTION DAY: 11/6

Call Center Disposition



The call center also provides the Department with information on the caller's customer service experience. The information below shows statistics for Election Day phone calls.

Election Day

STATISTICS

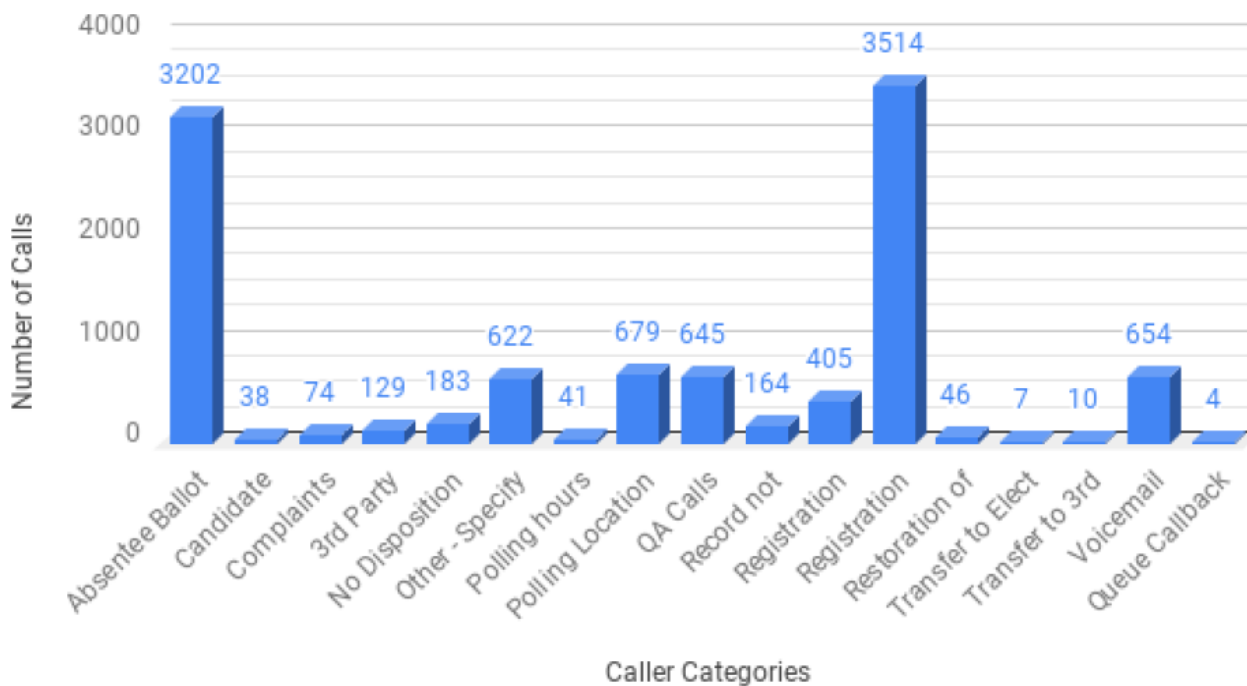
- TOTAL CALLS HANDLED: 976
- Average Handle Time (Talk+Notes) : 2:03mins
- Average Talk Time: 1.58mins
- Average Call Wait: 20sec
- Average Queue Callback Wait Time : 15sec
- Average Voicemail Callback Wait Time: 1:56 mins

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The following chart provides information on the types of questions handled by the call center in the two months leading up to and including Election Day. The majority of questions in the days leading up to Election Day are on absentee ballots and voter registration.

September 9 – November 7 Call Center Total Calls: 10,417

Call Center Disposition



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Online Complaints

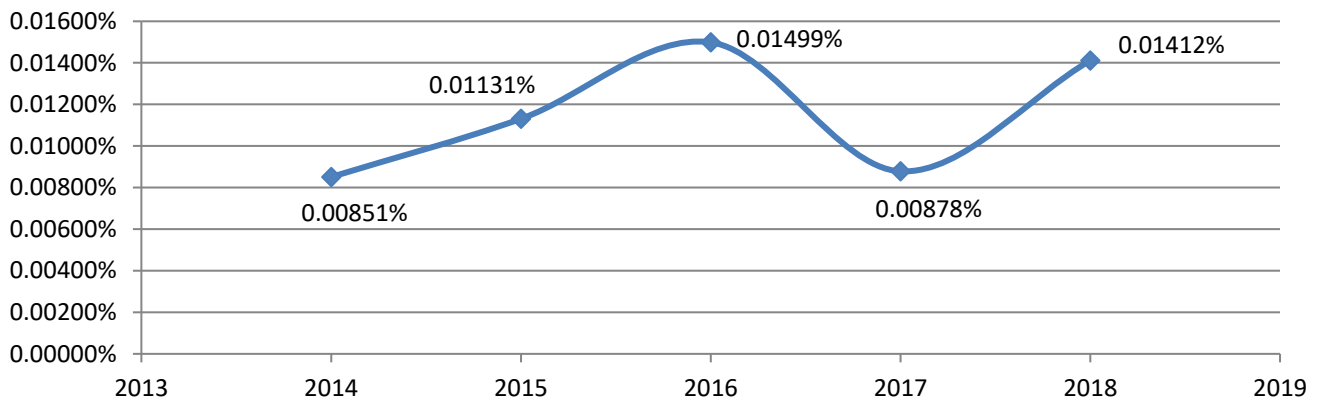
For several years, the Department of Elections has provided an online tool for voters to voice their concerns about an election. In most cases, election officials in the voter's locality best mitigate these issues and the Department forwards the issue to the local general registrar (with follow-up from the Department to determine the outcome). A few of the issues are more urgent and require immediate attention from Department of Elections' staff. These issues most often involve whether someone is registered to vote, finding a voter's correct polling place, or other factors that may limit a voter's right to cast a ballot.

By providing a high-level overview of the patterns of voter complaints, the system sometimes alerts the Department staff to analyze complaint data and monitor what may be a situation developing in a locality or precinct. In the majority of cases, the general registrar or Officers of Election are already aware of a particular situation (e.g. long lines, voting machines issues, etc.), are working on mitigation, and simply have not had time to contact the Department. In rare cases, the Department will reach out to the locality and be the first to report a problem or pattern of issues to the general registrar. Either way, the voter complaint system, when monitored and used correctly, allows the Department and general registrars to quickly recognize and work to resolve Election Day issues.

The Department of Elections' voter complaint website received a total of 475 complaints on Election Day 2018. While that may sound like a large number, it's important to keep it in the context of the election as a whole. As a percentage of turnout, voter complaints came from 0.014% of the Commonwealth's electorate. While this is a small percentage in the overall scope of Election Day, that does not diminish the importance of solving the voter's issue and learning to better anticipate and prepare for problems should they arise in future elections. Some key takeaways from this year's complaints compared with prior years are:

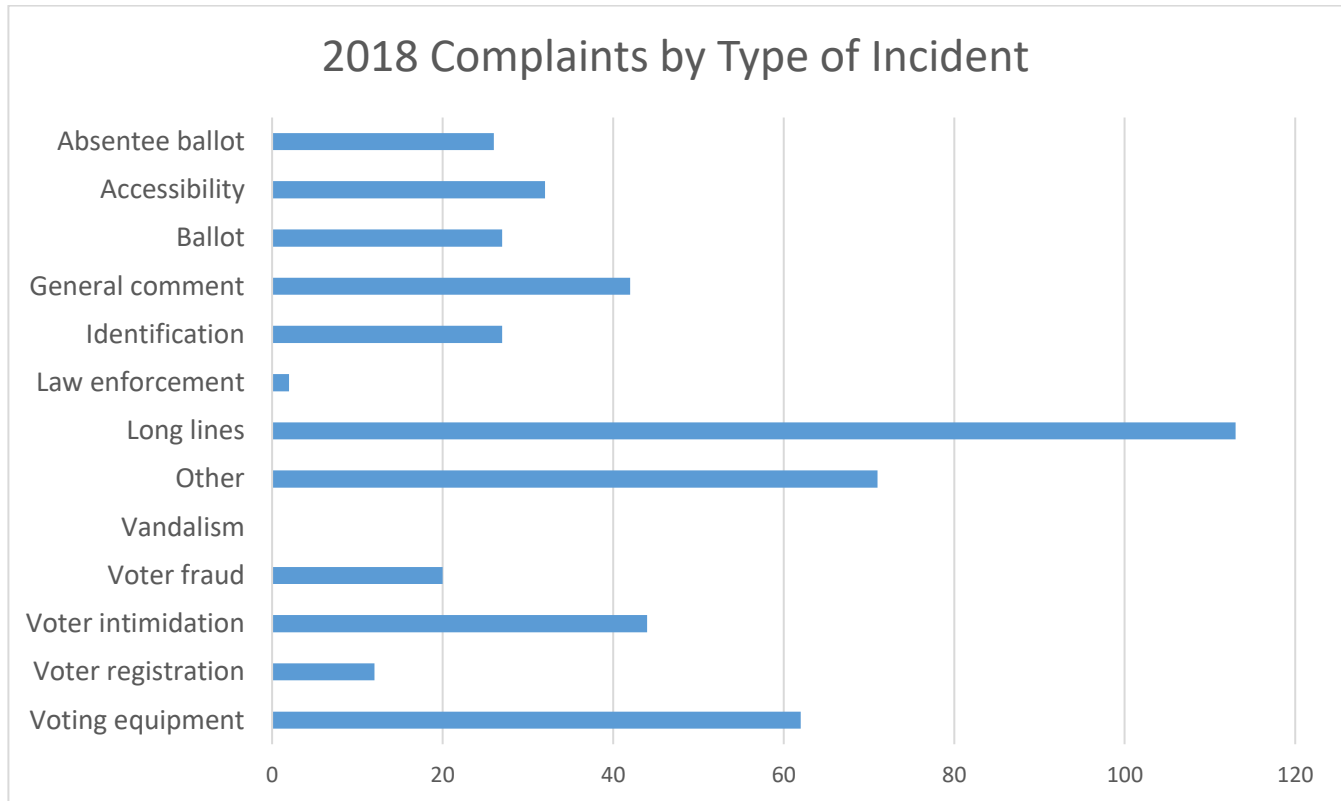
- Voter complaints in 2016 and 2018 totaled less than 1/100th of a percent of turnout
- 2018 complaints regarding long lines and voting equipment surpassed previous years
- There were fewer complaints in 2018 about voter registration than in previous years
- Over 50% of complaints were from three localities

Voter Complaints as a Percentage of Turnout, 2014-2018



November 6, 2018 Post-Election Report

The largest number of complaints were regarding long lines and voting equipment.



Type of Incident	Total	2014	2015	2016	2017	2018
Absentee Ballot	114	6	3	61	18	26
Accessibility	101	12	15	27	15	32
Ballot	140	18	23	46	26	27
General Comment	159	16	24	51	26	42
Identification	95	19	9	28	12	27
Law Enforcement	9	2	2	2	1	2
Long Lines	131	0	1	15	2	113
Other	296	37	44	101	45	69
Vandalism	1	0	1	0	0	0
Voter Intimidation	167	14	17	58	34	44
Voter Registration	223	18	12	153	29	11
Voter-Fraud	63	6	4	21	12	20
Voting Equipment	164	39	15	36	12	62
	1,663	187	170	599	232	475

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Localities with the Highest Number of Complaints

Chesterfield County, Prince William County, Henrico County

- Over 50% of all complaints came from three localities
 - NOTE: The localities are three of the top five in terms of number of registered voters, so higher total number of complaints is to be expected.
- Even so, the percent of active registered voters complaining was extremely low
- Chesterfield had the highest number of complaints, but that number still translates to less than ½ percent of the number of active registered voters in the county

	475 total complaints	% of Total Complaints	% of Active Registered Voters
Chesterfield County	165	35%	0.068%
Prince William County	69	15%	0.024%
Henrico County	41	9%	0.018%

Chesterfield

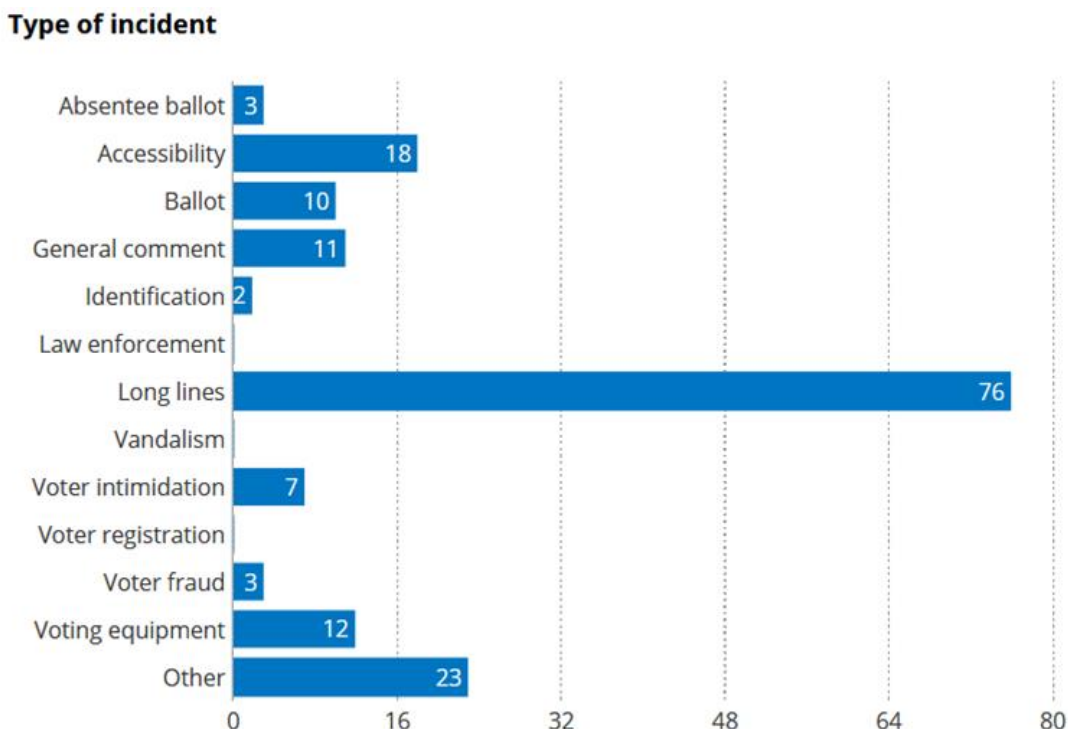
Fully 46% of the complaints from Chesterfield County involved long lines at polling places. In fact, a combination of issues, including long lines, led a judge to order two of Chesterfield County’s polling places to remain open to voters after the normal closing time. There were also reports that one or more polling locations opened late, and one or more polling locations ran out of ballots. Additionally, it was reported that there was confusion over the two precincts ordered to remain open and a lack of training in administering the polling places in those situations.

Chesterfield County election officials are conducting their own review and will report their findings to their Board of Supervisors in early 2019. However, from conversations with the general registrar both on Election Day and after, and data involving logistics of polling place staffing and equipment planning, some patterns emerge:

- While the general registrar’s plan for staffing polling places was adequate for efficient management, many Officers of Election failed to report on Election Day leaving staffing shortages in some polling places adding to the delay in processing and creating longer lines.
- The number of electronic poll books originally deployed was short of the number needed to facilitate efficient voter check-in at some polling places due to high turnout creating longer lines.

Once Chesterfield County has completed their report, the Department of Elections will review and discuss it with them. Depending on the findings, the Department will offer assistance to prevent the reoccurrence of issues such as this in future elections including additional training for the general registrar and staff, and facilitating dialog between Chesterfield County and other localities of similar size to promote the sharing and use of best practices.

Chesterfield County (165)



Prince William

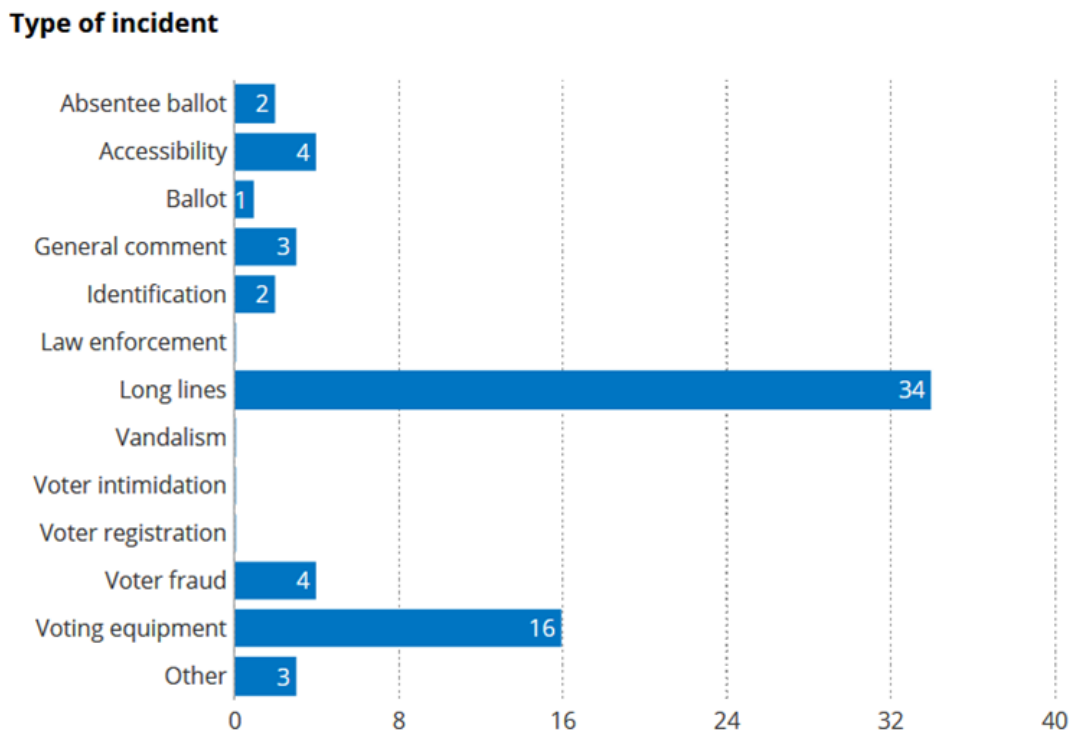
Complaints from Prince William County voters were mostly about long lines (49%) while the second-highest number of concerns involved voting equipment (23%). In reality, it seems two factors combined to lead to these complaints.

Prince William County’s staffing at polling places seems to be outside the norm. While other localities with a similar number of registered voters report using at least eight (8) Officers of Election in polling locations with less than 2,000 registered voters, Prince William County uses five (5) in precincts with less than 3,000 registered voters. Additionally, Prince William County plans for six (6) Officers of Election in precincts with 3,000-4,000 voters, and seven (7) in precincts with more than 4,000 voters. By contrast, other localities report using no less than ten (10) Officers of Election in similarly-situated precincts. Inadequate staffing at polling locations can, and in November 2018, did contribute to long lines.

An insufficient number of voting machines and electronic poll books can also lead to complaints about equipment and long lines. Having only one voting machine/scanner in each polling location (as Prince William County did) combined with a high voter turnout created a situation where voters were waiting to cast their ballots after having marked them. The wait at the scanner resulted in a wait at voter check-in, thus resulting in long lines.

The Prince William County general registrar reports that she would like to provide additional staff and voting equipment at each polling location and recognizes the need for these improvements, but does not currently have adequate funding to do so.

Prince William County (69)



Henrico

In contrast to Chesterfield and Prince William Counties, roughly half of the complaints from Henrico County voters involved voting equipment. The general registrar reports that the issues involving voting equipment centered on paper jams.

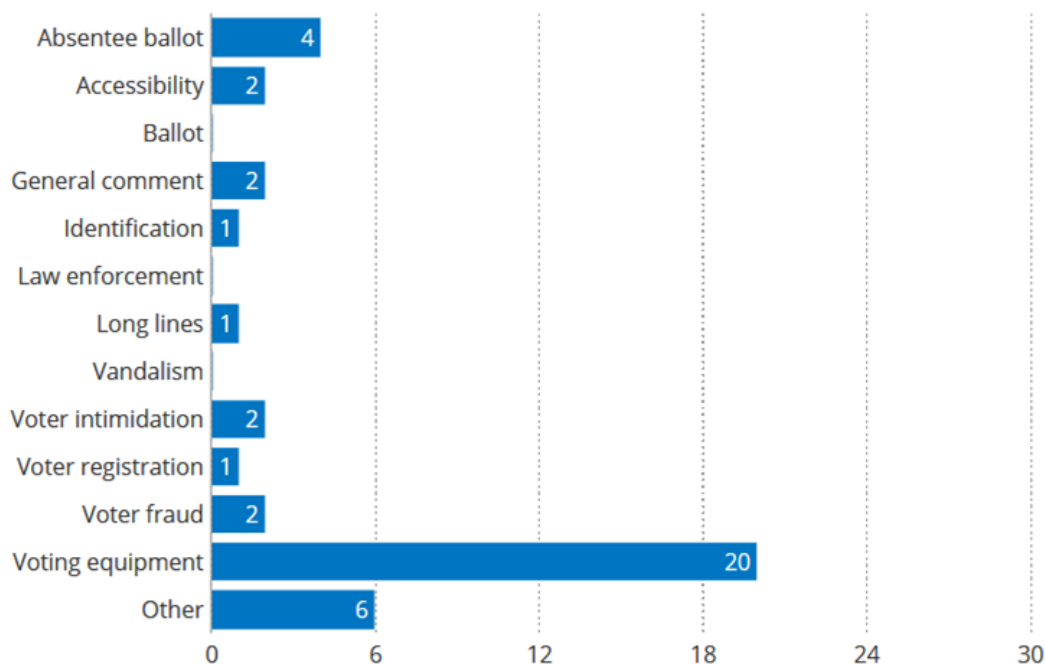
According to the voting system vendor, the high number of paper jams may have been due to the weather as it was rainy and humid in Henrico County on Election Day. When it is humid, paper ballots absorb some of the surrounding moisture causing them to expand in size. Voting machines are calibrated to accept a very specific thickness of paper in order to prevent multiple ballots from accidentally being processed through the scanner at one time. When the paper is thicker than expected, the machine will reject the ballot and/or jam.

Unlike most other localities, Henrico County does not train or permit their Officers of Election to clear paper jams in the machine. Until a technician can arrive at the polling location, Officers of Election continue to process voters by placing voted ballots in the emergency ballot box associated with the voting machine. This can create a perception among voters that either their ballot will not be processed correctly or their votes will not be accurately tabulated.

There are a couple of best practices Henrico County can adopt that could help mitigate this issue in future elections. First, they could train Officers of Election to clear simple paper jams while leaving more complex machine issues to the work of technicians. Second, they could work with their vendor to have ballots packaged and sealed in smaller numbers. By working with smaller numbers of ballots at a time in each package, it leaves others sealed and protected from humidity longer.

It is important to note here that Henrico County is not the only locality to have issues with paper jams due to high humidity on Election Day. Many other localities experienced the same issue, but received fewer complaints because Officers of Election immediately worked to clear paper jams.

Henrico County (41)



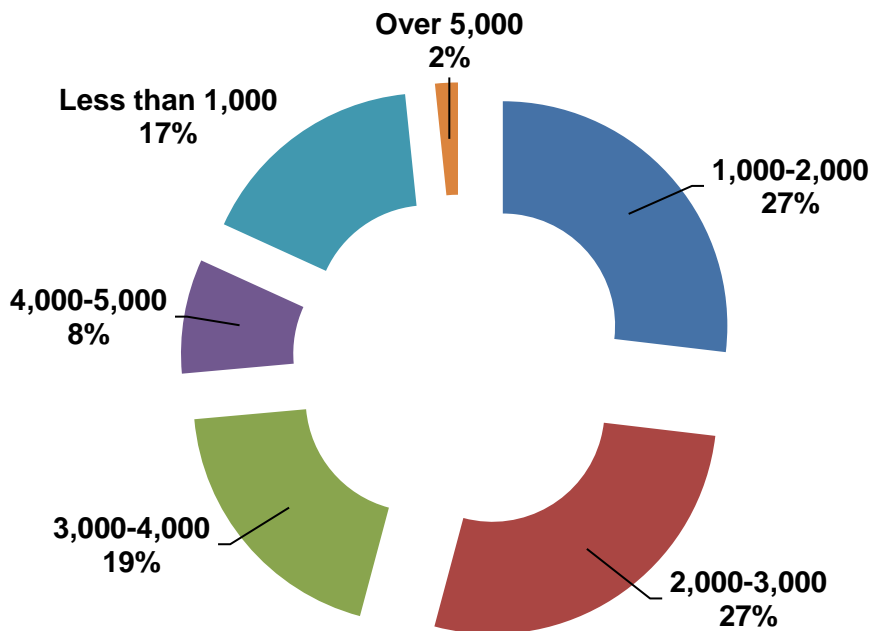
Special Topics

Precinct Sizes

Localities across the Commonwealth employ a total of 2,441 precincts in a statewide election. From rural to suburban to urban, these precincts and their polling places are designed to provide voters with the ability to cast their ballots in an efficient manner. Code of Virginia § 24.2-307 requires precincts to have no more than 5,000 active registered voters at the time the precinct is established. The Code also requires a general registrar to report to their governing body anytime the number of registered voters who cast a ballot in a presidential election exceeds 4,000.

As of November 2018, 40 precincts have grown to more than 5,000 active registered voters and an additional 201 precincts are closing in on that number. Because of the expected greater turnout in the 2020 presidential election, the Department will provide additional support to general registrars and local Electoral Boards to ensure that all precincts are prepared to manage the increased turnout efficiently.

Active Registered Voters by Precinct as of 10/16/2018

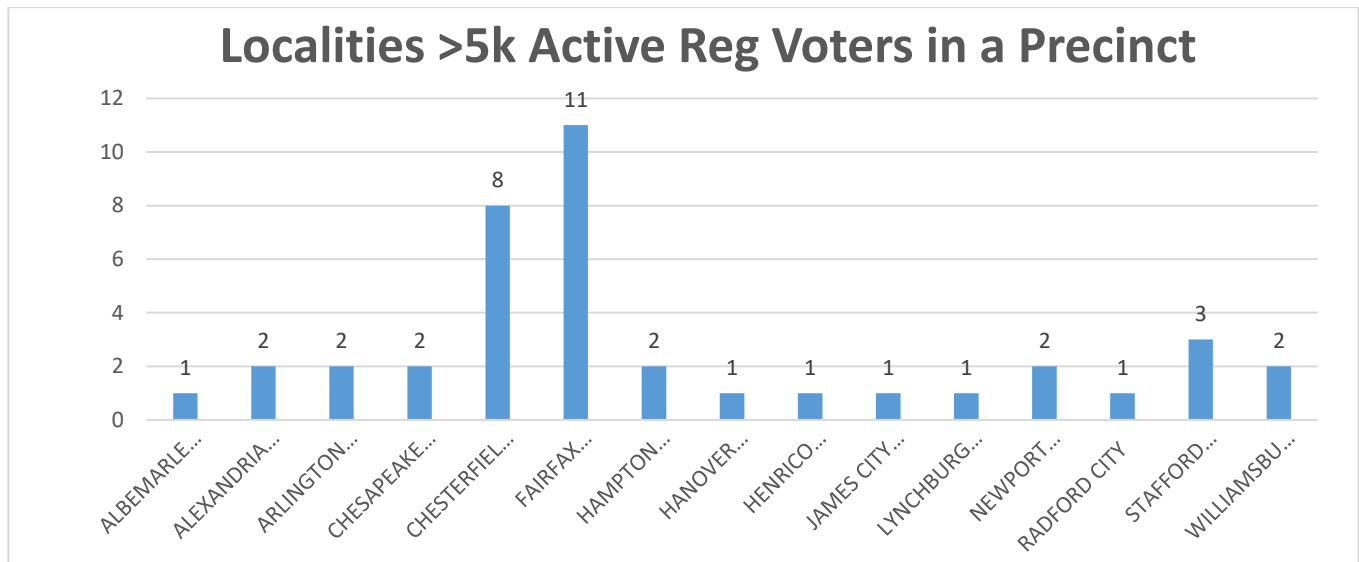


Active Reg Voters in Precinct	Precinct Count
Less than 1,000	404
1,000-2,000	656
2,000-3,000	666
3,000-4,000	474
4,000-5,000	201
Over 5,000	40
Grand Total	2441

Precincts Close to Max

Active Reg Voters in Precinct	Precinct Count
4,000-4,500	144
4,500-5,000	57
Over 5,000	40
Grand Total	241

40 precincts in 15 localities have > 5k active registered voters



57 Precincts in 17 Localities Are Approaching 5,000

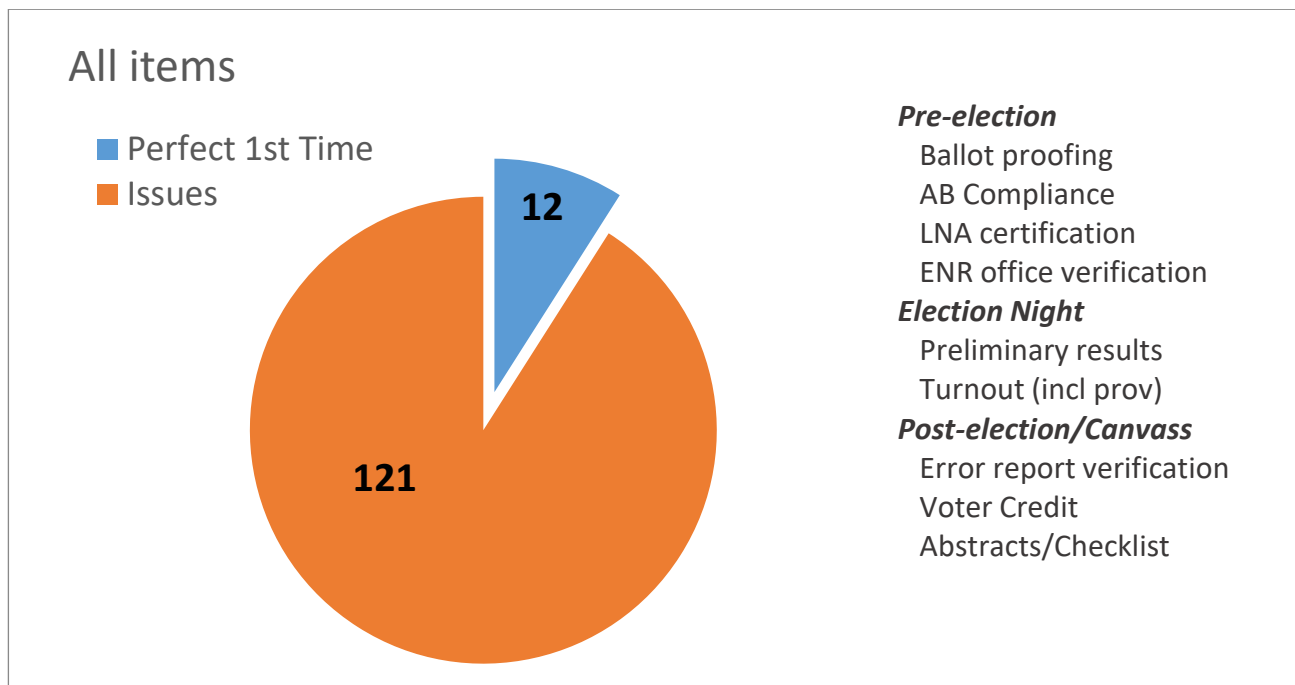
Locality	Precincts w/4,500-5,000 voters
Alexandria City	5
Arlington County	1
Chesapeake City	2
Chesterfield County	5
Fairfax County	18
Fredericksburg City	1
Hampton City	2
Henrico County	1
James City County	1
Lynchburg City	2
Newport News City	4
Norfolk City	1
Prince William County	5
Shenandoah County	2
Spotsylvania County	4
Tazewell County	1
York County	2
Grand Total	57

Election Administration Tasks

There are several election administration tasks for which the Department requires reports, information, or certification of completion from the general registrars. The tasks include the following:

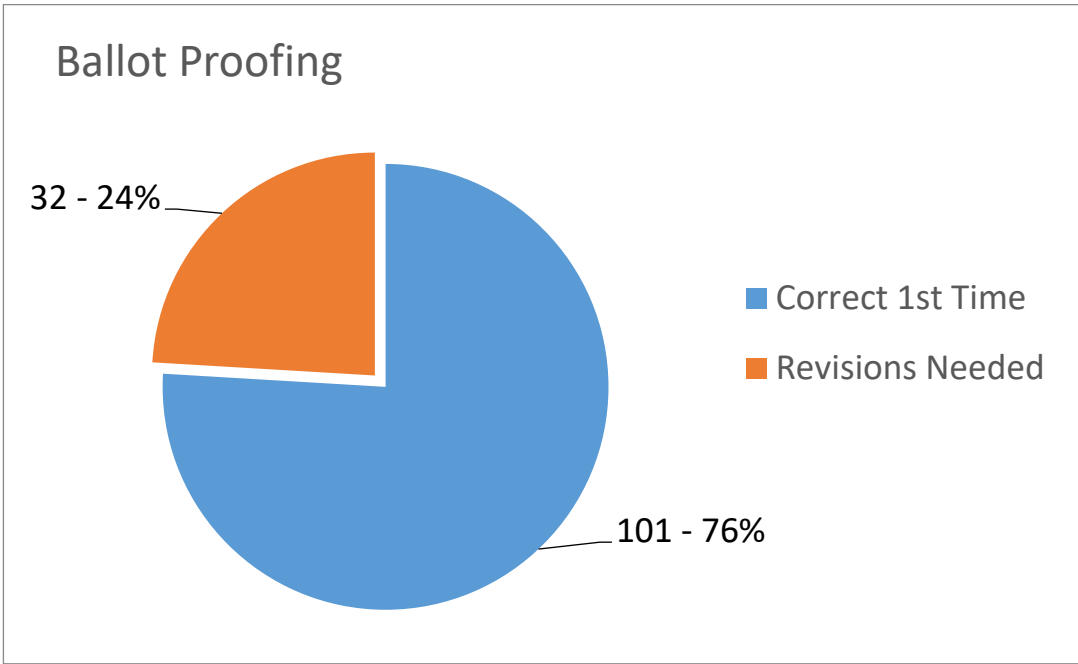
- Ballot Proofing
- Absentee Ballot Mailing Compliance (AB compliance)
- Logic and Accuracy Testing Certification (L&A Certification)
- Election Night Reporting (ENR) Office Verification
- Election Night Preliminary Results including estimated provisional turnout numbers
- Actual Voter Turnout including Provisional Ballots
- Error Report Verification
- Voter Credit
- Election Abstracts/Checklist

These tasks serve a variety of functions. Some are certification that legal requirements have been met, while others serve to make election night reporting and abstract production more accurate.



Ballot Proofing

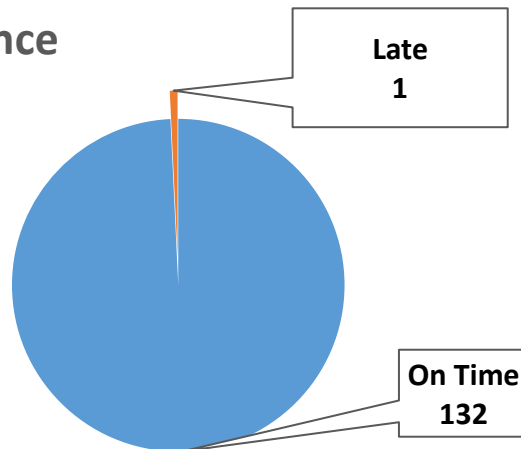
All ballots must be approved by the Department of Elections prior to their use in any election (VA Code § 24.2-612). For the 2018 General Election, 101 localities submitted proofs of their ballot that did not require revisions.



Absentee Compliance

Virginia Code § 24.2-612 requires general registrars to report to the Department of Elections that absentee ballots were available for both absentee voting by mail and in-person at least 45 days before Election Day. For this election, 132 localities reported on time to the Department, and one (1) locality was late in its reporting.

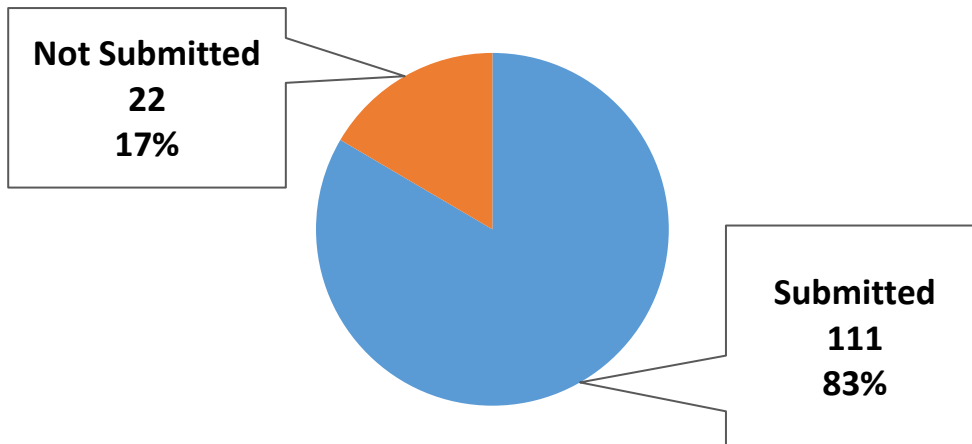
AB Compliance



Logic and Accuracy Testing

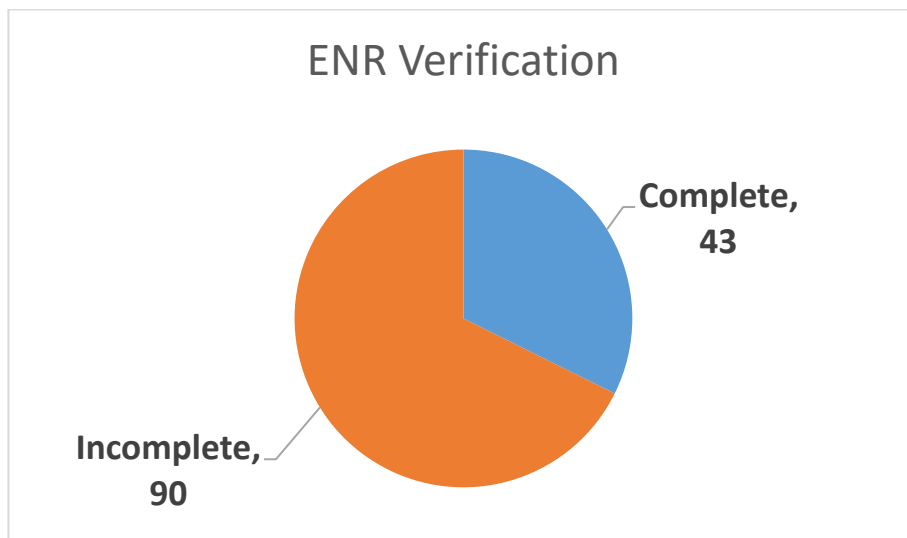
Prior to each election, voting machines must be tested for logic and accuracy. The Logic and Accuracy (L&A) Testing ensures that the vote tabulators are correctly recording the votes from each ballot cast. L&A Testing is required to be performed on each machine that will be used for absentee voting and Election Day and must be completed before the machine is used. The Department of Elections requires that each locality certify that testing has been completed.

Logic & Accuracy Certification



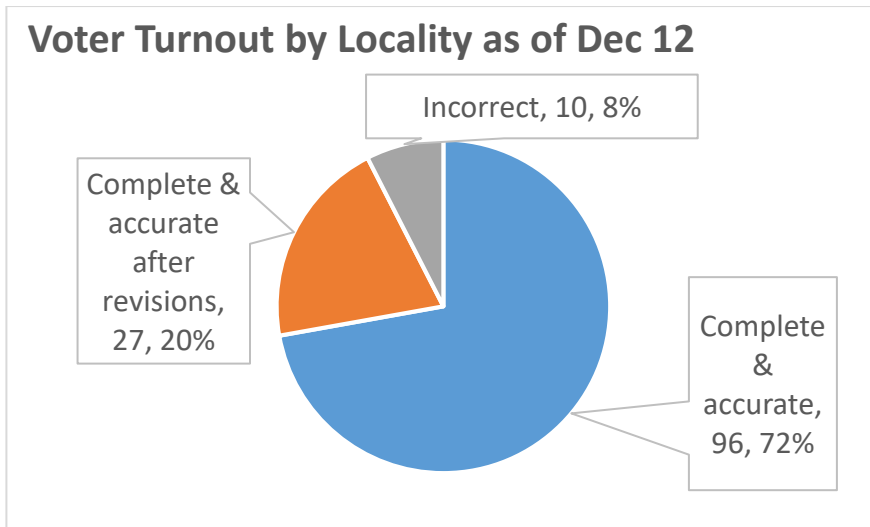
Confirm Offices Using Election Night Reporting Web Site

Prior to Election Day, the Department sends notice to all localities asking them to review the information presented in their Election Night Reporting (ENR) web site screens. By verifying this information prior to the election, the Department can ensure all necessary elements (contests, candidates, ballot issues, precincts, etc.) are represented in order to present accurate information to the public on election night. Verifying the information in advance can reduce errors and delays in reporting. For future elections, the Department will begin this process earlier and provide additional time for localities to confirm the data fields and for Department staff to follow up with those who haven't confirmed.



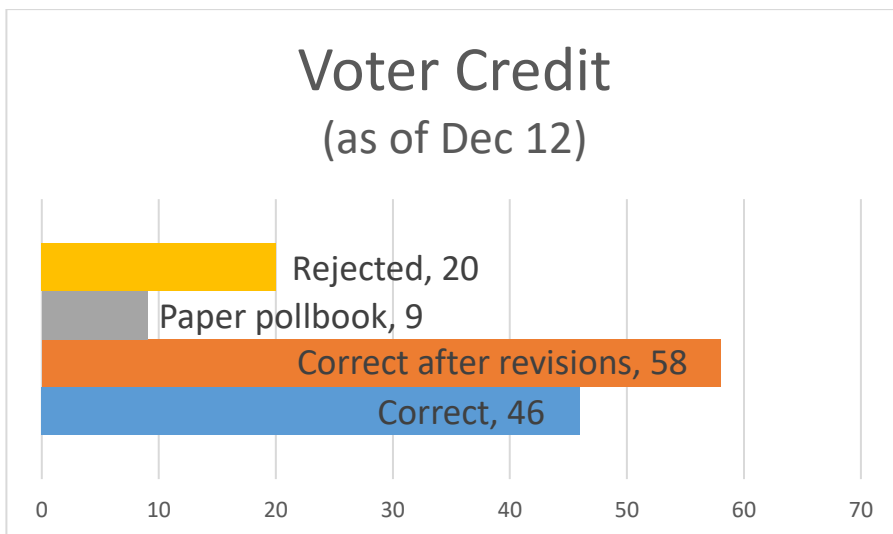
Voter Turnout Data

Voter turnout involves a combination of factors including, but not limited to, Election Day precinct voters, in-person and by mail absentee voters, and provisional voters. Presenting an accurate picture of the electorate by the end of canvass allows the general registrars, Electoral Board members, the State Board of Elections, Department of Elections, parties, candidates, media, and the general public insight into the activities of voters for one election. The data from that information can be helpful in planning for future elections.



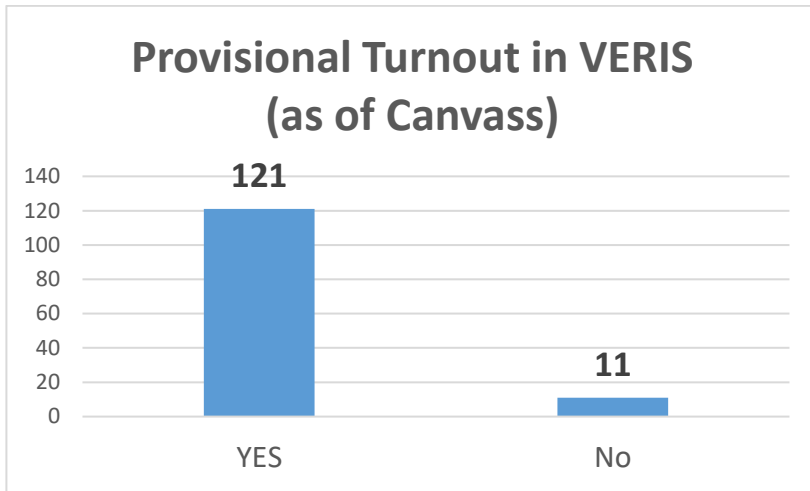
Voter Credit

Localities across the Commonwealth use either electronic or paper poll books to verify that a voter is registered and voting in the correct precinct. Localities who utilize paper poll books are provided with an extended deadline to enter the information into voters' records in VERIS. The chart below presents the success of the localities in applying voter credit to records after Election Day, but does not include reference to the nine (9) localities who use paper poll books.



Provisional Voter Turnout

Another aspect of presenting accurate election information is providing provisional voter turnout. Provisional voter turnout completes the reporting of overall turnout and helps present patterns in provisional voting that may indicate a more widespread problem within a locality or throughout the Commonwealth.

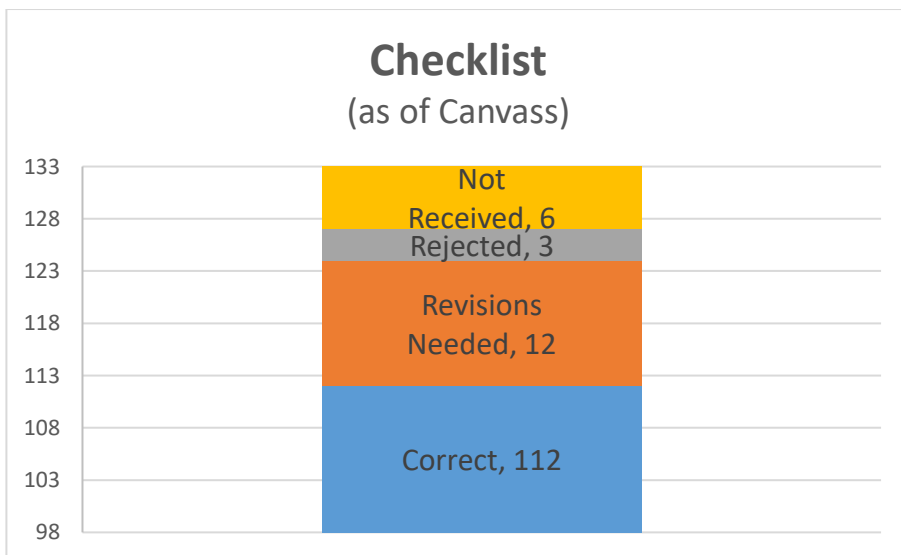


Election Results Verification

After previous elections, it was sometimes the case that data entered into VERIS and presented on the Department’s website did not fully reflect Election Day. This issue was brought before the State Board of Elections by a member of the Virginia Electoral Board Association (VEBA). In response to these concerns, and with additional staffing in place, the Department instituted a new process for verifying locality election data in VERIS.

Prior to Election Day, the Department sends detailed instructions to all general registrars reminding them of the reports already available in VERIS that allow them to check and crosscheck data to ensure their entries are correct. The Department runs these same reports when verifying a locality’s abstracts prior to State Board certification.

The Department instituted use of a Checklist as a means of reminding localities to run the reports as well as providing an easily accessible list of items to submit to the Department after canvass. In most cases, the Checklist has worked well and been helpful to both the locality and the Department. However, some localities refuse to provide the checklist because they are not required to do so by law or regulation.

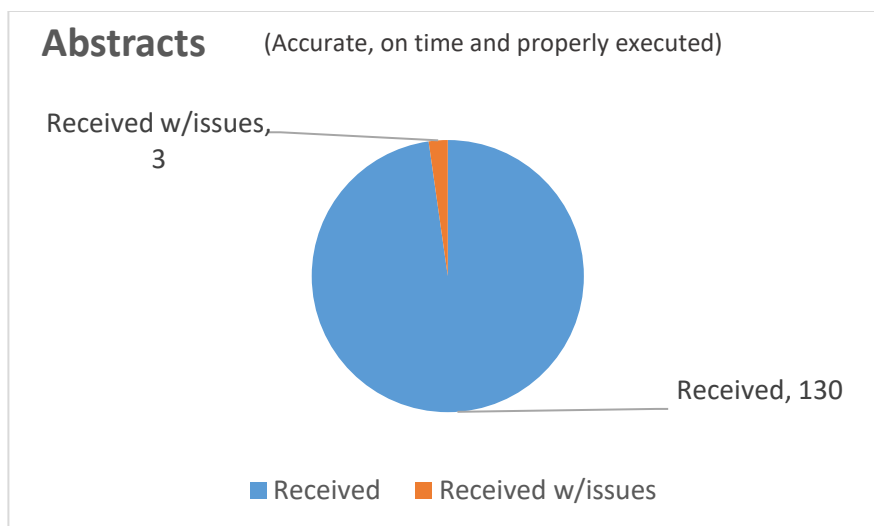


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Abstracts of Votes

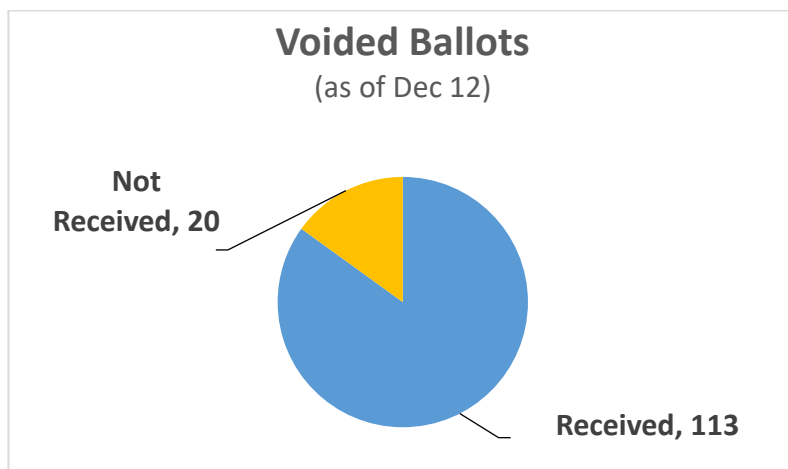
Abstracts are the ultimate result of any election. It is essential that election abstracts are correct, because they are the official record of the votes cast for candidates, constitutional amendments, and referenda. The Department works closely with localities to ensure abstracts submitted to the State Board of Elections accurately reflect vote totals. For the 2018 General Election, abstracts submitted to the Department were accurate and on time with three exceptions.

- Buena Vista – changed results on the day of certification
 - Running the recommended reports would have detected the error
- Prince William – US House 11: one precinct has 19 more votes than voters voting
 - Libertarian got 19 votes
 - Write-in was 19
 - Staff suspect that 19 on the write-in certification was wrong/accidental
- Hopewell – did not produce and certify abstracts for constitutional amendment questions



Voided Ballots

The Code of Virginia § 24.2-612 requires general registrars to submit a copy of each ballot used in an election for historical record purposes.



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Areas Identified for Training

As discussed previously, the Department of Elections recently improved its results verification process. This change has highlighted some areas ripe for training, especially on entering data into VERIS. Vote count results are being entered accurately. However, it is apparent that not all general registrars understand how to utilize post-election results verification reports to catch errors.

These reports can help catch human errors such as entering a number into the wrong field or transposing numbers. The Department ran these reports for all localities and worked with general registrars during canvass to identify and correct issues. We tracked the kinds of issues found during this process and will build future training around these.

- 23 localities did not enter provisional counts correctly. They either:
 - reported the election night provisional count correctly, but then reported provisional voter turnout only including counted provisional ballots; or
 - reported zero provisionals on election night, and then reported provisional turnout with numbers;
 - one locality didn't enter provisional turnout at all.
- Absentee
 - A few localities had gaps between absentee voter credit and Central Absentee Precinct voter turnout
 - Due to not properly acknowledging receipt of absentee ballots in VERIS prior to Election Day

City of Hopewell

This report would be incomplete without at least a brief discussion of issues in the City of Hopewell. The Hopewell Electoral Board appointed a new general registrar prior to the June 2018 Primary Election. In September, the State Board of Elections formally requested the Hopewell Circuit Court to remove two members of the Electoral Board. The circuit court replaced the two members with interim appointments while the case is pending. A jury trial has been set for the end of February or the beginning of March to determine whether the two members will be removed permanently.

Many members of the Department of Elections staff have worked very closely with the Hopewell general registrar to help ensure understanding of and compliance with Virginia election laws and regulations. Despite attempts by the Department and many members of the Virginia elections community to assist, answer questions, and introduce best practices, the following is a listing of issues discovered through VERIS and other reports:

- Hopewell did not provide accurate and properly executed abstracts for constitutional amendments until thirty minutes before the State Board was to certify the election.
- According to VERIS records, Hopewell issued an emergency absentee ballot on Election Day in violation of Code (§24.2-705).
- Hopewell did not properly process absentee ballots in VERIS.
 - No absentee ballots returned to the Hopewell office had their status changed from "Issued". This prevents voter credit from being properly applied.
 - One Federal Write-In Absentee Ballot (FWAB) shows returned, but voter credit was not applied.
 - Voter credit was applied to a voter for an absentee ballot whose VERIS status indicates it was not returned.
- Hopewell may not have properly entered results into VERIS.
 - Hopewell did not enter provisional results for either of the proposed constitutional amendments. It is difficult to determine if this is legitimate.

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- Hopewell did not keep a copy of the SORs in the office for public inspection in violation of §24.2-668(B).
- According to reports, some precincts did not use SORs.
- Suspect Precinct Change.
 - On October 27, 2018, a voter registered in precinct 601 voted absentee in precinct 601. Later the same day, the Hopewell office manually changed the voter's precinct to 201. From precinct boundary maps, it appears the voter should be registered in precinct 601.

Summary and Suggested Best Practices

As noted in the introduction, the data presented here tells the story of the 2018 General Election. Ultimately, the story is a good one. With well over 3.3 million people casting a ballot and the vast majority of those doing so between the hours of 6AM and 7PM in a single day, there are always likely to be issues that come up. However, by working together, planning in advance, and knowing and implementing best practices, the vast majority of problems are solved quickly and in a manner that improves the voter's experience.

General registrars, Electoral Board members, and the Department of Elections will take the story of 2018, learn its lessons, and plan for improvements going into the 2019 General Assembly elections and the presidential election in 2020.

It is with the information presented the Department's staff recommends the following to improve election administration in the Commonwealth for future elections:

- Work with local election officials to determine how to improve absentee system to ensure more timely delivery of absentee ballots;
- Keep precinct sizes as small as possible, certainly within legal limits;
- Train officers of election to clear paper jams so they don't have to wait for a technician;
- Plan for more officers of election than the minimum required;
- Work with the governing body of the locality to procure spare equipment; and
- Have trained technicians with a car, truck or van loaded with spare equipment, forms, ballots, and envelopes available to deploy on Election Day.

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Appendix A – Vendor Reports

Voting System Vendors

The Department of Elections communicated with voting equipment vendors on and after Election Day to get their perspective on the performance of voting equipment across the Commonwealth. The vendors have provided their thoughts and data in their own format and words. For future elections, the Department will collaborate with vendors prior to Election Day to develop a standard format for reporting similar information.

DOMINION

Locality	Issues reported	actions taken	Atlantic Elections Calls (Dominion)
Amelia	None		
Bedford Co.	None		
Buena Vista	None		
Buchanan	None		
Charlotte	None		
Charles City	None		
Craig	Bad Screen	replaced machine with back-up unit before 1 st Voter arrived.	
Cumberland	Paper Jam	Talked them through ballot removal procedure on phone, and they continued voting.	
Dickenson	None		
Franklin Co.	Paper Jam	on Duty tech cleared jam and they continued voting.	
Greensville	None		
Gloucester	None		
Lee	Error Message	Machine was not plugged in – battery warning – plugged machine into working outlet.	
Louisa	None		
Mecklenburg	None		
Nottoway	None		
Page	None		
Radford	None		
Russell	None		
Scott	None		
Salem	None		
Smyth	None		
Staunton	Paper Jam	on Duty tech cleared jam and they continued voting.	
Suffolk	Paper Jam	on Duty tech cleared jam and they continued voting.	
Sussex	None		
Waynesboro	None		
Washington	Paper Jam/ Power issue	Talked them through ballot removal procedure on phone, and they continued voting. Got low power warning message, power strip had been turned off by mistake.	
Caroline	None	Print vendor only	
Rappahannock	None	Print vendor only	

ES&S

Gary Fox was on site in Petersburg. Petersburg currently uses M100s and tested the DS200 in November. There were no voting equipment issues on Election Day that disrupted the voters in Petersburg. In addition, Gary reached out to Colonial Heights, Covington, Hopewell, Isle of Wight, Buckingham, or Pulaski. None of these localities reported issues.

November 6, 2018 Post-Election Report

Tyler Lincks reported Henrico had no voting system equipment failures. Delays were attributed to paper jams. A higher than normal number of ballot jams occurred due to damp weather.

According to Tyler:

Clearing jammed ballots is quick and easy on the DS200 with the Officers able to access the ballot either from the ballot tray on the scanner, behind the scanner at the beginning of the path into the ballot box, or at the end of the path as the ballots drop into the Lower Bin of the ballot box. The DS200 gives a clear message on the screen if a jammed ballot either has or has not been counted so the Officers know whether, once cleared, the ballot should be rescanned. It takes a few seconds for a ballot jam to be cleared.

The Officers in Henrico are specifically directed to not clear ballot jams. They are instructed to wait for a Henrico technician to arrive; only the technician is allowed to clear a ballot jam. This is a policy decision made by and specific to Henrico County. Waiting for a technician to arrive can lead to significant delays in getting the scanner back to successfully scanning ballots. It is my understanding that voters were directed to leave their voted ballots in the Emergency Bin or some other receptacle to be scanned later. As I stated on Tuesday, this may have caused a perception among some voters or observers that the scanner was experiencing an operative failure when in fact it was not.

The jams were caused by the distinctly wet weather. Ballots taken out for curbside voting were quite wet when they were brought in and scanned. Also voters waiting to scan their ballots in the polling place were hiding them from view by holding them against themselves in contact with wet rainwear. As I stated in my email on Tuesday, wet ballots are prone to cause jams. I don't have firm numbers about the number of precincts in which jams occurred; the Printelect deployed on-site support person observed it in five precincts. There may have been others that were visited by Henrico technicians.

With a single scanner present in all Henrico precincts, any interruption of normal scanning caused by a jam would have an immediate impact on the rate of processing voters through the line. It is becoming increasingly apparent that it might be prudent for larger precincts to deploy more than one scanner comprehensively in higher-turnout elections order to avoid a single pinch point should a jam or other minor interruption occur.

The information in this report is gleaned from consultations with the on-site support person who visited about 15% of the Henrico precincts and spoke to Officers. Officers consistently cited the causes I have enumerated above. I have also consulted with staff at the Henrico Registrar's office and there is a consensus about the causes. All systems in a polling place could be operating optimally and there still be long lines of voters and a long wait to complete the voting process. While dissatisfaction with this experience among voters or observers is understandable, it does not mean that there were any failures of equipment or processes.

November 6, 2018 Post-Election Report

Hart

Falls Church, VA	Virginia, Commonwealth of	Verity Question	Falls Church, VA: Password required to read vDrives in Count	called: She for got the Verity Key password.	Information/Training/How to	Hart helped them remember the password.
Norfolk, VA	Virginia, Commonwealth of	Verity Problem	Norfolk VA-No power and battery is dead, can we use vdrive in another Scanner	No power and battery is dead, can we use vdrive in another Scanner	Information/Training/How to	No. Must use new vdrive
Chesapeake, VA	Virginia, Commonwealth of	Verity Problem	Chesapeake VA-needs more ballots	needs more ballots	Other	Hart sent pdfs
Floyd County, VA	Virginia, Commonwealth of	Verity Problem	Floyd VA-running out of ballots	running out of ballots	Other	Hart sent pdfs
Campbell County, VA	Virginia, Commonwealth of	Verity Problem	Campbell VA-Scanner error unable to accept this ballot	Scanner error unable to accept this ballot	Information/Training/How to	Customer was using the wrong ballot, Hart sent correct pdf

Unisyn

Reported swapping out five voting systems in different localities. All other calls were reported to be operator error.

<u>Location</u>	<u>Date/Time</u>	<u>Type</u>	<u>Description</u>	<u>Resolved</u>
Loudoun	11/6/2018 6:42am	OVO	On for 10 minutes, then turns off. When turned back on, the OVO shuts off again.	Swapped out and will be looked at for repair
Lynchburg	11/6/2018 6:45am	OVI	Printer not connected. Power brick may be dead.	Swapped Needs Repair
Rockingham	11/6/2018 7:37am	OVI	OVI on for a bit, then screen shuts off. When turned off/on the screen won't turn on.	Swapped Needs Repair
Orange	11/6/2018 8:20am	OVO	Invalid ballot. Won't accept ballot.	Swapped Needs Repair - might be dirty glass

November 6, 2018 Post-Election Report

City of Manassas	11/6/2018 2:00pm	OVO	Running slow. Then presented an error code 907. Walked her through replacing a scanner with a spare. All counts came up correct when replaced with a spare. Voting continued.	Swapped machine Needs Repair - appears to be hard drive issue where the protective counter was not matching, so it threw an error code.
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Electronic Pollbook Vendors

DemTech

Mike Brown reported:

Below is a list of calls that I received on Election Day.

Carla: Mathews County

- Carla's reports were wrong due to her Computers time zone being on PST instead of EST. I helped her change the Time zone and she was able to continue on.

Marie Muir: Norton County –

- Marie had an error show up "Side By Side configuration is incorrect" We are not sure what this is. Marie was using the old Data Card software Version - 2.1.0.2453. I have sent her the Advocate Version that we tested through the State and she will be upgrading.

Mike Edwards: Scott County

Two of there laptops would not sync. I talked with the IT person and determined the drivers were not installed for the Network Adapter.

Joyce Pace: Fluvanna County

- Joyce's problems with her Syncing at first had to do with her IT person turning off IP6 on her new laptops. I guess they had never tested syncing prior to the Election and it is difficult to debug and test during a live election. I am not sure what other changes the IT person did. I will be flying into Virginia to do a complete review of her laptops and set them up properly.

Lisa Betterton: Isle of Wight County:

- Lisa had set up a CAP precinct and did not understand that you would need an Admin override on each person you check in Absentee, because they were Absentee and the system needs an Admin override to check them in.

Anna Cloeter: Roanoke County

- Anna seemed to have a few issues with her machines. I will be flying in to review them and set them all up properly. Anna went to paper Poll Books because she said her older machines were not performing and needed to be upgraded.

KnowINK

We currently support nine (9) election jurisdictions; Augusta, Danville, Fairfax County, Falls Church, Halifax, Lancaster,

November 6, 2018 Post-Election Report

Norfolk, City of Richmond, Waynesboro. On Election Day our call center received zero (0) calls from any of our Virginia clients. However our team was proactive with each out to each county speaking with most of our clients on election day. If we did not hear or speak with them yesterday - we spoke with each of them today as we begin our post election support. All the issues that were reported once we contacted the jurisdiction were as follows:

- August - No issues to report
- Danville - Three (3) separate precincts experienced a singular app crash on one pad. Multiple pads were deployed in each of those locations /no voting was disrupted while EPB issue was being resolved. No impact on polling location flow / functionality. No other reported issues.
- Fairfax County - Reported zero (0) crashes. Just minor Election Day issues regarding EBP's, nothing that impacted voters or election workers at polling location on election day.
- Falls Church - No issues to report
- Halifax - No issues to report
- Lancaster - No Issues to report
- Norfolk - No Issues to report
- Richmond - Reported app crashes in 5 or 6 precincts. Backup EPB's were deployed prior to Election Day as a precaution and used as needed until issue was resolve. Richmond reported no issues that significantly impacted/impeded their election day.
- Waynesboro - No issues to report

Robis

David Davoust reported, "We are aware of no AskED ePollbook issues in the election."

VR Systems

Kevin White reported, "We were on site at Franklin County, City of Charlottesville and Albemarle County. We did not have any data issues or hardware issues that would have caused delays. All precincts opened on _me and closed as scheduled without issues. We provided our customers with several phone numbers for our in state techs and VR Systems for 24/7 support."



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Amendment to Candidate Petition Regulation

BOARD WORKING PAPERS
Samantha Buckley
Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman Alcorn, Vice Chair Wheeler, and Secretary McAllister
From: Samantha Buckley, Policy Analyst
Date: December 12, 2018
Re: Proposal of Amendments to 1VAC20-50-20; Petition Regulations

Suggested motion for a Board member to make:

I move that the State Board of Elections adopt the proposed amendments to *1VAC20-50-20. Material Omissions from Candidate Petitions and Petition Signature Qualifications* for enactment on January 1, 2019.

Applicable Code Sections: Va. Code § 24.2-506; 1VAC20-50-20

Attachments:

Your Board materials include the following:

- Current 1VAC20-50-20 regulation
- Proposed amendments to 1VAC20-50-20 regulation
- Virginia Regulatory Town Hall public comment

Background:

Virginia Code § 24.2-506 requires the State Board of Elections (the “Board”) to approve “uniform standards by which petitions filed by a candidate for office, other than a party nominee, are reviewed to determine if the petitions contain sufficient signatures of qualified voters.” Under this authority, 1VAC20-50-20 *Material Omissions from Candidate Petitions and Petition Signature Qualifications* provides required elements a petition page and petition signature must satisfy prior to validation. This regulation also provides for omissions which will render the petition page or petition signature invalid.

At the October 9, 2018 Board meeting, ELECT proposed amendments to 1VAC20-50-20 *Material Omissions from Candidate Petitions and Petition Signature Qualifications*. The proposed amendments to 1VAC20-50-20 will clarify guidance for general registrars when determining the validity of petition pages and petition signatures. The amendments are in response to recent events regarding Shaun Brown’s petitions and the Board’s July 20, 2018 decision regarding petitions submitted by Peter Wells.

The proposed amendments were posted on the Virginia Regulatory Town Hall and published in the *Virginia Register of Regulations* (11/26/2018). The proposed amendment received one comment (attached).

ELECT staff recommendation:

ELECT staff recommends the Board adopt the proposed amendments to *IVAC20-50-20. Material Omissions from Candidate Petitions and Petition Signature Qualifications* for enactment on January 1, 2019.



Agency Department of Elections

Board State Board of Elections

Chapter Candidates for Office [1 VAC 20 - 50]

Action	<u>Amendments to regulations regarding candidate petitions.</u>
Stage	<u>Final</u>
Comment Period	Ends 12/26/2018

Back to List of Comments

Commenter: Eric

12/10/18 4:54 pm

Clarify address changes

This regulation should clarify what happens if a candidate changes their address while a petition is being circulated. Are only signatures obtained while the address on the petition matches the address in the voter registration valid? If so, does that cause a portion of the petition to be accepted and a portion of it not to be accepted? That would be inconsistent with the rest of this law that determines if a petition, in its entirety, is allowed. Instead, for clarity, the requirement should be "The candidate's residence address provided on the petition does not match the candidate's voter registration record at the time the circulator signs the affidavit;"

1VAC20-50-20. Material Omissions from Candidate Petitions and Petition Signature Qualifications.

A. Pursuant to the requirements of §§ 24.2-506, 24.2-521, and 24.2-543 of the Code of Virginia, a petition or a petition signature should not be rendered invalid if it contains an error or omission not material to its proper processing.

B. The following omissions are always material and any petition containing such omissions shall be rendered invalid if:

1. The petition submitted is not the double-sided document, or a double-sided copy thereof, provided by the State Board of Elections;
2. The petition does not have the name, or some variation of the name, and address of the candidate on the front of the form;
3. The petition fails to identify the office sought on the front of the form;
4. The petition fails to identify the applicable election district in which the candidate is running for office;
5. The circulator has not signed the petition affidavit and provided his current address;
6. The circulator is a minor or a felon whose voting rights have not been restored;
7. The circulator has not signed the petition he circulated in the presence of a notary;
8. The circulator has not had a notary sign the affidavit for each petition submitted;
9. A person other than the circulator signed the petition affidavit;
10. The notary has not affixed a photographically reproducible seal;
11. The notary has not included his registration number and commission expiration date;
or
12. Any combination of the scenarios of this subsection exists.

C. The following omissions related to individual petition signatures are always material and any petition signature containing such omission shall be rendered invalid if:

1. The signer is not qualified to cast a ballot for the office for which the petition was circulated;
2. The signer is also the circulator of the petition;

3. The signer provided an accompanying date that is subsequent to the date upon which the notary signed the petition;

4. The signer did not sign the petition; or

5. The signer provided an address that does not match the petition signer's address in the Virginia voter registration system, unless the signer provided an address that is within the same precinct where a voter is currently registered in the Virginia voter registration system, and the signer can be reasonably identified as the same registered voter.

D. The following omissions shall be treated as nonmaterial provided the general registrar can independently and reasonably verify the validity of the petition or signature:

1. An older version of the petition is used (provided that the information presented complies with current laws, regulations, and guidelines);

2. The "election information" including (i) county, city, or town in which the election will be held; (ii) election type; and (iii) date of election are omitted;

3. The name of the candidate and office sought are omitted from the back of the petition;

4. The circulator has not provided the last four digits of his social security number in the affidavit;

5. The signer omits his first name, provided he provides a combination of his first or middle initials or a middle name and last name and address that matches a qualified voter within the Virginia voter registration system;

6. The signer provided a derivative of his legal name as his first or middle name (e.g., "Bob" instead of "Robert");

7. The signer prints his name on the "Print" line and prints his name on the "Sign" line; or

8. The signer fails to provide the date but a period of time that qualifies can affirmatively be established with previous and subsequent dates provided by other signers upon the petition page.

E. A signature upon a petition shall be included in the count toward meeting the petition signature requirements only if:

1. The petition signer is a qualified voter who is maintained on the Virginia voter registration system either (i) with active status or (ii) with inactive status and qualified to vote for the office for which the petition was circulated;

2. The signer provides his name; and

3. The signer provides an address that matches the petition signer's address in the Virginia voter registration system, or the signer provided an address that is within the same precinct where a voter is currently registered in the Virginia voter registration system, and the signer can be reasonably identified as the same registered voter.

§§ 24.2-103 and 24.2-506 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 27, Issue 16, eff. March 28, 2011; amended, Virginia Register Volume 29, Issue 1, eff. August 29, 2012; Volume 29, Issue 24, eff. July 12, 2013.

Virginia Administrative Code
Title 1. Administration
Agency 20. State Board of Elections
Chapter 50. Candidate Qualification

1VAC20-50-20. Material Omissions from Candidate Petitions and Petition Signature Qualifications.

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B. The following omissions are always material and any petition containing such omissions shall be rendered invalid if:

1. The petition submitted is not the double-sided document, or a double-sided copy thereof, provided by the State Board of Elections;
2. The petition does not have the name, or some variation of the name, ~~and address~~ of the candidate on the front of the form;
3. The petition fails to identify the office sought on the front of the form;
4. The petition fails to identify the applicable election district in which the candidate is running for office;
5. **The candidate's residence address provided on the petition does not match the candidate's voter registration record at the time of the petition's circulation;**
- ~~5-~~ 6. The circulator has not signed the petition affidavit and provided his current address;
- ~~6-~~ 7. The circulator is a minor or a felon whose voting rights have not been restored;
- ~~7-~~ 8. The circulator has not signed the petition he circulated in the presence of a notary;
- ~~8-~~ 9. The circulator has not had a notary sign the affidavit for each petition submitted;
- ~~9-~~ 10. A person other than the circulator signed the petition affidavit;
- ~~10-~~ 11. The notary has not affixed a photographically reproducible seal;
- ~~11-~~ 12. The notary has not included his registration number and commission expiration date; or
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2. The "election information" including (i) county, city, or town in which the election will be held; (ii) election type; and (iii) date of election are omitted;
3. The name of the candidate and office sought are omitted from the back of the petition;
4. The circulator has not provided the last four digits of his social security number in the affidavit;
5. The signer omits his first name, provided he provides a combination of his first or middle initials or a middle name and last name and address that matches a qualified voter within the Virginia voter registration system;
6. The signer provided a derivative of his legal name as his first or middle name (e.g., "Bob" instead of "Robert");
7. The signer prints his name on the "Print" line and prints his name on the "Sign" line; or
8. The signer fails to provide the date but a period of time that qualifies can affirmatively be established with previous and subsequent dates provided by other signers upon the petition page.

9. The signer fails to provide the year when signing the petition.

E. A signature upon a petition shall be included in the count toward meeting the petition signature requirements only if:

1. The petition signer is a qualified voter who is maintained on the Virginia voter registration system either (i) with active status or (ii) with inactive status and qualified to vote for the office for which the petition was circulated;

2. The signer provides his name; and

3. The signer provides an address that matches the petition signer's address in the Virginia voter registration system, or the signer provided an address that is within the same precinct where a voter is currently registered in the Virginia voter registration system, and the signer can be reasonably identified as the same registered voter.

Statutory Authority §§ 24.2-103 and 24.2-506 of the Code of Virginia.

Historical Notes Derived from Virginia Register Volume 27, Issue 16, eff. March 28, 2011; amended, Virginia Register Volume 29, Issue 1, eff. August 29, 2012; Volume 29, Issue 24, eff. July 12, 2013.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Certifications

BOARD WORKING PAPERS
Matthew Abell
Election Administrator

Memorandum

To: Chairman Alcorn, Vice Chair Wheeler, and Secretary McAllister
From: Matthew Abell, Elections Administrator
Date: December 21, 2018
Re: **Certification of Results for the Member, House of Delegates District 24 December 18, 2018 Special Election**

Suggested Motion For A Board Member To Make:

“After reviewing the district-wide Abstract of Votes Cast in the December 18, 2018 Special Election for Member, House of Delegates District 24, I move that the Board certify the results as presented and declare the winner.”

Applicable Code Sections:

- Va. Code § 24.2-679.
A. “... The Board shall... make statements of the whole number of votes given... The Board members shall certify the statements to be correct and sign the statements. The Board shall then determine those persons who received the greatest number of votes and have been duly elected to each office. The Board members shall endorse and subscribe on such statements a certificate of their determination.”

B. “The State Board shall meet as soon as possible after it receives the returns for any special election held at a time other than the November general election to ascertain the results of the special election in the manner prescribed in subsection A.”
- Va. Code § 24.2-680.
“Subject to the requirements of § 24.2-948.2, the State Board shall without delay complete and transmit to each of the persons declared to be elected a certificate of his election, certified by it under its seal of office... The names of members elected to the General Assembly shall be certified by the State Board to the clerk of the House of Delegates or Senate, as appropriate.”

Attachments:

Abstract and winner Certificate of Election for Member, House of Delegates District 24.

Background:

- The House of Delegates District 24 seat became vacant upon the resignation of The Honorable Benjamin L. Cline, who was elected to the US House of Representatives 6th District. A stand-alone special election was called by Speaker of the VA House of Delegates, The Honorable M. Kirkland Cox, to fill the vacancy.

- There are six (6) localities in House of Delegates District 24:
 1. Amherst County
 2. Augusta County
 3. Bath County
 4. Buena Vista City
 5. Lexington City
 6. Rockbridge County

- Upon completion of the election, local general registrars entered all relevant election data into the Virginia Election and Registration System (VERIS).

- In accordance with Va. Code § 24.2-671, local electoral boards conducted provisional ballot meetings and canvasses to ascertain and certify election results for their localities.

- Upon completion of canvass the GRs forwarded their localities’ certified Abstracts and, when applicable, Write-Ins Certifications, to the Department of Elections.

- Upon receipt of the localities Abstracts and Write-Ins Certifications, ELECT’s Elections Administration team checked them for errors and accepted the ascertained results as presented.

ELECT Staff Recommendation:

ELECT staff recommends that the Board certify the results as presented and declare the winner.

Memorandum

To: Chairman Alcorn, Vice Chair Wheeler, and Secretary McAllister

From: Matthew Abell, Elections Administrator

Date: December 21, 2018

Re: **Re-Certification of Results for the Member, US House of Representatives District 6 November 6, 2018 General Election**

Suggested Motion For A Board Member To Make:

“After reviewing the corrected district-wide Abstract of Votes Cast in the November 6, 2018 General Election for Member, US House of Representatives District 6, I move that the Board certify the results as presented and sign the Abstract.”

Applicable Code Sections: None.

Attachments:

- Corrected district-wide Abstract for Member, US House of Representatives District 6.
- Corrected Buena Vista Abstract of Votes Cast for Member, US House of Representatives District 6.
- Buena Vista’s explanation of the data entry error.

Background:

- Buena Vista discovered that they made a data entry error during their Canvass for the November 6, 2018 General Election, resulting in an incorrect vote total being reported for Member, US House of Representatives District 6 candidate Ben L. Cline.
- The General Registrar has updated VERIS and the local Electoral Board has certified and signed a new locality Abstract.

ELECT Staff Recommendation:

ELECT staff recommends that the Board certify the corrected district-wide results as presented and sign the Abstract.

November 27, 2018

Office of the Registrar
City of Buena Vista
2039 Sycamore Avenue
Buena Vista Virginia 24416

Department of Elections
Attn: Matthew Abell
Washington Building
1100 Bank Street, First Floor
Richmond Virginia 23219

Dear Department of Elections:

Pursuant to the email received from Formsite Alex Nichols on November 16, 2018, I conducted a review of the Statement of Results, the election tapes and what had been reported in VERIS and on the official Abstract of Votes, I discovered that we had entered the wrong total votes for Ben L. Cline from the election tapes (498 to 497). We also made the changes for the in person voter turn-out over the phone by adding the curbside voters to in person. I made the correction for Ben L. Cline in VERIS on November 16, 2018 after the discrepancy was found and have enclosed the corrected Abstract of Votes to the State Board of Elections today.

The Buena Vista Electoral Board has certified that the abstract enclosed is correct to re-certify the election results for Ben L. Cline.

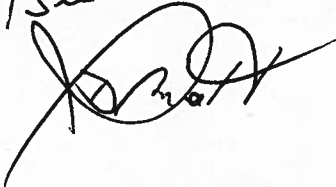
If you need anything further please let me know.

Sincerely,

Emilie F. Staton, GR

James R. Smith, Jr. - Chair

Gloria E. Martin - Co-Chair



Emilie F Staton General Registrar/Director of Elections

Buena Vista Electoral Board

ABSTRACT of VOTES

Cast in the 2018 November General Election held on 11/06/2018 for,

Member House of Representatives

6th District

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Ben L. Cline - Republican	167957
Jennifer Lynn Lewis - Democratic	113133
Write-in	287
Total Number of Overvotes for Office	35

We, the undersigned State Board of Elections, upon examination of the official abstracts of votes filed with the Department of Elections for the election held on 11/06/2018, do hereby certify that the above is a true and correct abstract of votes cast at said election for the Member House of Representatives and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member House of Representatives.

Ben L. Cline - Republican

Given under our hands this _____ day of _____, _____

_____, Chairman

_____, Vice Chairman

_____, Secretary

ABSTRACT of VOTES

Cast in BUENA VISTA CITY, VIRGINIA
at the 2018 November General Election held on November 06, 2018 for,

Member House of Representatives

District: 06

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Ben L. Cline - Republican	1191
Jennifer Lynn Lewis - Democratic	564
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	4

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 06, 2018, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member House of Representatives.

Given under our hands this 27th day of NOVEMBER, 2018

James A. [Signature], Chairman
Blonia E. Martin, Vice Chairman
[Signature], Secretary
[Signature], Secretary, Electoral Board



Memorandum

To: Chairman Alcorn, Vice Chair Wheeler, and Secretary McAllister

From: Matthew Abell, Elections Administrator

Date: December 21, 2018

Re: **Re-Certification of Results for the US House of Representatives District 11 November 6, 2018 General Election**

Suggested Motion For A Board Member To Make:

“After reviewing the corrected district-wide Abstract of Votes Cast in the November 6, 2018 General Election for Member, US House of Representatives District 11, I move that the Board certify the results as presented and sign the Abstract.”

Applicable Code Sections: None.

Attachments:

- Corrected district-wide Abstract for Member, US House of Representatives District 11.
- Corrected Prince William Abstract of Votes Cast for Member, US House of Representatives District 11.
- Prince William’s explanation of the data entry error.

Background:

- Prince William discovered that they made a data entry error during their Canvass for the November 6, 2018 General Election, resulting in an incorrect vote total being reported for Member, US House of Representatives District 11 write-ins.
- The General Registrar has updated VERIS and the local Electoral Board has certified and signed a new locality Abstract.

ELECT Staff Recommendation:

ELECT staff recommends that the Board certify the corrected district-wide results as presented and sign the Abstract.

PRINCE WILLIAM COUNTY OFFICE OF ELECTIONS



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Manassas, Virginia 20110-5554
Phone: (703) 792-6470
Fax: (703) 792-6461
www.pwcvotes.com
pwcvote@pwcgov.org

ELECTORAL BOARD
Robin P. Williams, Chairman
Jane M. Reynolds, Vice Chairman
Keith A. Scarborough, Secretary

**DIRECTOR OF ELECTIONS/
GENERAL REGISTRAR**
Michele L. White

TO: State Board of Elections
James Alcorn, Chairman
Dr. Clara Belle Wheeler, Vice Chairman
Singleton McCallister, Esq., Secretary

Virginia Department of Elections
Chris Piper, Commissioner

FROM: Prince William County Electoral Board
Robin P. Williams, Chairman
Jane M. Reynolds, Vice Chairman
Keith A. Scarborough, Secretary

Prince William County Office of Elections
Michele L. White, General Registrar/Director of Elections

DATE: December 7, 2018

Re: Error in Reporting CD 11 Election Results November 6 2018 Election

Commissioner Piper and State Board Members:

If I may, I'd like to explain the Prince William County Ascertainment process in general steps and then I will explain what we think happened with Precinct 607 Kerrydale.

1. All Precinct Chiefs are required to return all election materials on Election Night to two secure areas in the County.
2. The electoral board and staff members meet with each Chief upon return Election Night to account for all Election Envelopes along with all Used and Unused ballots.
3. The Ascertainment Meeting is advertised to begin at 8:00am the Wednesday after the Election. All Electoral Board Members report to work Ascertainment along with 24 seasoned Chief and Assistant Chief Officers of Election. Six staff members along with the GR are on site to facilitate the process.
4. The Chairman opens the meeting and the General Registrar asks for several motions to be passed including proper redaction of provisional logs for public inspection and permission to copy ballot images to an external hard drive for back up and proper retention.
5. The 24 Officers are set into teams of four. They check the work of each precinct one by one. Two members verify each tape results, while one member checks the Call In Sheets and the fourth verifies against the two copies of the SOR. The team also checks the EPB

summary report and the Incident report for any discrepancies. If a discrepancy is found the correction is marked in red on the Call In Sheet.

6. A completed precinct then travels to the Electoral Board table, where EB members sit with a staff member. The staff member has direct access to VERIS at the table and the entire call in sheet is verified by both an EB member and staff. If a correction is needed it is made at this time.

Precinct 607 Kerrydale:

The Incident Report from this precinct has the following written:

"Yellow EPB did not sync with the other two. Called HQ and was advised to make it a stand alone machine. It was taken out of system at 7:09am and was being used to process (check in voters with...) preprinted ballots at 7:10am"

This statement was initialed by the Chief.

The EPB Sheet indicates the following:

The stand alone EPB recorded 524 voters checked in

The two EPBs that remained synced recorded a combined total of 1087 voters checked in

These two numbers added up record a total of 1611 voters checked in for the day

There are 3531 registered voters at 607 Kerrydale

Of those 3531 registered voters, 241 voted absentee

The results tape indicates that 1615 ballots were cast on the Scan at 607 Kerrydale.

The SOR was corrected in both the Part 1A Turnout and Part 2A Votes Cast.

However, the error was not corrected in VERIS at the time of Ascertainment. The Office of Elections cannot determine why the correction was not entered at the appropriate time but we will review step by step processes for the next election for improvement.

This second Abstract for CD 11 has been properly corrected and resubmitted for the State Board consideration. If further documentation is needed, the PWC Office of Elections will be happy to provide it.

As a side note, I, the General Registrar, personally commend Commissioner Piper for hiring Matt Abell back to the Virginia Department of Elections. The Commonwealth as a whole has missed and needed Mr. Abell's caliber of properly and thoroughly certifying elections. PWC Office of Elections is glad that the error was caught by a second pair of eyes and we expect that level scrutiny to continue with Mr. Abell on board.

Sincerely,
Robin P. Williams, Chairman
Jane M. Reynolds, Vice Chairman
Keith A. Scarborough, Secretary
Michele L. White, General Registrar/Director of Elections



Election Header

Commonwealth of Virginia, Official Ballot
 Election Date: 11/6/2018

Prince William County
 607 Kerrydale - Scan
 Election Day Voting

Verity Scan
 S/N: S1500024502
 Version: 2.0.3

Ballot Counter: 1615 *
 Lifetime Counter: 6574

Tally Report By Precinct

Date & Time Printed:
 11/06/2018 8:03 PM

Qty Pcts/Splits Included: 2

11 Statewide

Member United States Senate
 Corey A. Stewart 360 *
 Timothy M. Kaine 1229 *
 Matt J. Waters 18 *
 Write-ins 5 *
 Undervotes 1 *
 Overvotes 2 *

Member House of Representatives 11th District
 Jeff A. Dove, Jr. 358 *
 Gerald Edward Connolly 1232 *
 Stevan M. Porter 19 *
 Write-ins 3 *
 Undervotes 3 *
 Overvotes 0 *

Question 1
 Yes 1279 *
 No 297 *
 Undervotes 36 *
 Overvotes 3 *

Question 2
 Yes 1386 *
 No 198 *
 Undervotes 29 *
 Overvotes 2 *

Chairman - School Board For unexpired term to end December 31, 2019
 Babur B. Lateef 832 *
 Alyson A. Satterwhite 537 *
 Stanley Bender 143 *

Write-ins 22 *
 Undervotes 80 *
 Overvotes 1 *
11 Federal Only
Member United States Senate
 Corey A. Stewart 0
 Timothy M. Kaine 0
 Matt J. Waters 0
 Write-ins 0
 Undervotes 0
 Overvotes 0
Member House of Representatives 11th District
 Jeff A. Dove, Jr. 0
 Gerald Edward Connolly 0
 Stevan M. Porter 0
 Write-ins 0
 Undervotes 0
 Overvotes 0

Precinct Ballot Count

Precinct	Total
11 Statewide	1615 *
11 Federal Only	0 *
Total	1615 *

Official Signatures

1. *[Signature]*
 2. *[Signature]*
 3. *[Signature]*
 4. *[Signature]*
 5. *[Signature]*
[Signature]

ABSTRACT of VOTES

Cast in the 2018 November General Election held on 11/06/2018 for,

Member House of Representatives

11th District

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Gerald Edward Connolly - Democratic	219191
Jeff A. Dove Jr. - Republican	83023
Stevan M. Porter - Libertarian	5546
Write-in	490
Total Number of Overvotes for Office	29

We, the undersigned State Board of Elections, upon examination of the official abstracts of votes filed with the Department of Elections for the election held on 11/06/2018, do hereby certify that the above is a true and correct abstract of votes cast at said election for the Member House of Representatives and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member House of Representatives.

Gerald Edward Connolly - Democratic

Given under our hands this _____ day of _____, _____

_____, Chairman

_____, Vice Chairman

_____, Secretary

ABSTRACT of VOTES

Cast in PRINCE WILLIAM COUNTY, VIRGINIA
at the 2018 November General Election held on November 06, 2018 for,

Member House of Representatives

District: 11

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Gerald Edward Connolly - Democratic	47404
Jeff A. Dove Jr. - Republican	14689
Stevan M. Porter - Libertarian	941
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	77
Total Number of Overvotes for Office	28

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 06, 2018, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member House of Representatives.

mlw / grde

Given under our hands this 7th day of December, November, 2018



, Chairman
, Vice Chairman
, Secretary
, Secretary, Electoral Board



Abell, Matthew <matthew.abell@elections.virginia.gov>

PWC CD 11 abstract and letter

Keith Scarborough <kscarborough@ana.net>

Tue, Dec 11, 2018 at 11:22 PM

To: "White, Michele" <MWhite@pwcgov.org>

Cc: Robin Williams <robin.williamsx@gmail.com>, "Jane M. Reynolds (lawoffices@jmreynoldspllc.com)" <lawoffices@jmreynoldspllc.com>, "Abell, Matthew" <matthew.abell@elections.virginia.gov>, "Martinez, Cynthia S." <cmartinez@pwcgov.org>

Approve

Keith

Sent from my iPhone

> On Dec 11, 2018, at 10:43 AM, White, Michele <MWhite@pwcgov.org> wrote:

>

> EB,

>

> When staff and I submitted the second abstract for CD11, no one staff and myself included, noticed that the date we put in was wrong. We put November 7, 2018, but the new second abstract was executed December 7, 2018 and should have been dated that day.

>

> Matt Abell at ELECT noticed the error. Staff and I made the date correction and resubmitted. However, I need individual approval of this date correction via email from EB member.

>

> Please "Reply All" to this email approving this date correction so that there is an written record for reference. See attached document.

>

> Michele L. White, VREO

> Director of Elections/General Registrar

> Prince William County Office of Elections

> 703-792-6472 desk

> 703-798-8514 county cell

>

> From: Abell, Matthew <matthew.abell@elections.virginia.gov>

> Sent: Tuesday, December 11, 2018 10:25 AM

> To: White, Michele <MWhite@pwcgov.org>

> Cc: Christopher Piper <chris.piper@elections.virginia.gov>; Martinez, Cynthia S. <cmartinez@pwcgov.org>; Nichols, David <david.nichols@elections.virginia.gov>; Clemons, Nikki <nikki.clemons@elections.virginia.gov>

> Subject: Re: PWC CD 11 abstract and letter

>

> Michele,

>

> An abstract is an electoral board document (§ 24.2-675<<http://24.2-675>>). Do you have the permission of your electoral board to alter their document in this matter? If so, please forward each board member's approval to me. I am not trying to be difficult in this matter but protocol is protocol. Please remember that this document will be "front and center" in a public meeting.

>

> Matthew Abell, Elections Administrator

>

> Virginia Department of Elections

>

> matthew.abell@elections.virginia.gov<mailto:matthew.abell@elections.virginia.gov>

>

> Washington Building | 1100 Bank Street, Richmond, VA 23219

>

> (804)593-2263<tel:(804)%20593-2263>

>

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>
>
> On Tue, Dec 11, 2018 at 9:51 AM White, Michele <MWhite@pwcgov.org<mailto:MWhite@pwcgov.org>> wrote:
> Matt – please see amended, correctly dated Abstract attached. Thank you.

>
> Michele L. White, VREO
> Director of Elections/General Registrar
> Prince William County Office of Elections
> 703-792-6472 desk
> 703-798-8514 county cell

>
> From: Abell, Matthew <matthew.abell@elections.virginia.gov<mailto:matthew.abell@elections.virginia.gov>>
> Sent: Friday, December 07, 2018 4:36 PM
> To: White, Michele <MWhite@pwcgov.org<mailto:MWhite@pwcgov.org>>
> Cc: Christopher Piper <chris.piper@elections.virginia.gov<mailto:chris.piper@elections.virginia.gov>>
> Subject: Re: PWC CD 11 abstract and letter

>
> Michele,
>
> I'm curious as to the date on the amended abstract. The amended abstract was not signed on "November 7, 2018". Shouldn't that be "December 7, 2018"?

>
> Matthew Abell, Elections Administrator
>
> Virginia Department of Elections
>
> matthew.abell@elections.virginia.gov<mailto:matthew.abell@elections.virginia.gov>
>
> Washington Building | 1100 Bank Street, Richmond, VA 23219
>
> (804)593-2263<tel:(804)%20593-2263>

>
> Disclaimer: This message, including any attachments, may summarize laws, regulations and policies of the Virginia Department of Elections or the Commonwealth of Virginia. Such summaries do not constitute legal advice and we recommend you consult an attorney for questions regarding your specific situation. Furthermore, this message and any responses sent to this email address may be subject to public disclosure under FOIA. For more information, please call the Virginia Department of Elections at 1-800-552-9745<tel:(800)%20552-9745> or visit <http://elections.virginia.gov/index.php/email-disclaimer>.

>
>
> On Fri, Dec 7, 2018 at 4:27 PM White, Michele <MWhite@pwcgov.org<mailto:MWhite@pwcgov.org>> wrote:
> Matt and Chris,

>
> Please find attached three docs for the SBE members. If anything further is needed please let me know.
>
> Also kindly confirm receipt of these. Thank you.
>
> Have a good weekend.

>
> Michele L. White, VREO
> Director of Elections/General Registrar
> Prince William County Office of Elections
> 703-792-6472 desk
> 703-798-8514 county cell
>
> <Final Amended Abstract-sigs, sealed, dated.pdf>



Abell, Matthew <matthew.abell@elections.virginia.gov>

PWC CD 11 abstract and letter

jane reynolds <lawoffices@jmreynoldspllc.com>

Wed, Dec 12, 2018 at 12:10 AM

To: Michele White <MWhite@pwcgov.org>

Cc: Keith Scarborough <kscarborough@ana.net>, Robin Williams <robin.williamsx@gmail.com>, "Abell, Matthew" <matthew.abell@elections.virginia.gov>, "Martinez, Cynthia S." <cmartinez@pwcgov.org>

Approved.

PLEASE NOTE OUR NEW OFFICE LOCATION

Jane M. Reynolds, Esq.

Law Offices of J.M. Reynolds, PLLC

9200 Church Street, Ste. 202

Manassas, VA 20110

703-680-2358/ 703-991-4572 (fax)

lawoffices@jmreynoldspllc.com (email)www.jmreynoldspllc.com (website)

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[Quoted text hidden]

 **Final Amended Abstract-sigs, sealed, dated.pdf**
695K



Abell, Matthew <matthew.abell@elections.virginia.gov>

PWC CD 11 abstract and letter

Robin Williams <robin.williamsx@gmail.com>

Tue, Dec 11, 2018 at 9:34 PM

To: "White, Michele" <MWhite@pwcgov.org>

Cc: Keith Scarborough <kscarborough@ana.net>, "Jane M. Reynolds" <lawoffices@jmreynoldspllc.com>, "Abell, Matthew" <matthew.abell@elections.virginia.gov>, "Martinez, Cynthia S." <cmartinez@pwcgov.org>

Approved.

[Quoted text hidden]



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

“Republicans for Stanley Bender”

BOARD WORKING PAPERS
Christopher E. “Chris” Piper
Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Chris E. Piper, Commissioner
Date: December 21, 2018
Re: “Republicans for Stanley Bender”; Harry Wiggins, Chair

Background

The State Board of Elections requested the presence of Mr. Harry Wiggins, Chair of the Republicans for Stanley Bender political action committee, at its December 21, 2018 meeting to discuss the creation, operations and advertising of the PAC, specifically whether the use of “Stanley Bender” in the name of the “Republicans for Stanley Bender PAC” and submission of the Statement of Organization complies with Virginia campaign finance law.

The Board also requested the Department of Elections to prepare the below and provide an outline of its authority under the Code of Virginia §24.2-104.

Enclosures

1. November 16th – Original Complaint to the State Board of Elections
2. Statement of Organization, *Republicans for Stanley Bender*
3. November 14th – Affidavit of Stanley Bender regarding authorization of name
4. November 14th – Email from Stanley Bender regarding authorization of name
5. December 4th – Notice of Violation letter to Republicans for Stanley Bender Chair
6. December 14th – Response from Wiggins to Notice of Violation

Authority

The Code of Virginia §24.2-104. Requesting assistance for attorney for the Commonwealth; investigative committees.

A. The Attorney General shall have full authority to do whatever is necessary or appropriate to enforce the election laws or prosecute violations thereof. The Attorney General shall exercise the authority granted by this section to conduct an investigation, prosecute a violation, assure the enforcement of the elections laws, and report the results of the investigation to the State Board.

B. When the State Board is of the opinion that the public interest will be served, it may request the Attorney General, or other attorney designated by the Governor for such purpose, to assist the attorney for the Commonwealth of any jurisdiction in which election laws have been violated. When the State Board makes its request pursuant to a unanimous vote of all members, the Attorney General, or other attorney designated by the Governor, shall exercise the authority granted by this section to conduct an investigation, prosecute a violation, assure the enforcement of the election laws, and report the results of the investigation to the State Board. The Attorney General, or the other attorney designated by the Governor, shall have full authority to do whatever is necessary or appropriate to enforce the election laws or prosecute violations thereof.



Prince William County Republican Committee
Commonwealth of Virginia
Office: 4431 Prince William County Parkway, Woodbridge, VA
Mailing: Post Office Box 1955, Manassas, VA 20108-0806
Telephone: (703) 680-7388
Website: pwcgop.org

November 16, 2018

**James B. Alcorn, Chairman
Clara Belle Wheeler, Vice-Chairman
Singleton B. McCallister, Secretary
State Board of Elections
1100 Bank St Fl 1
Richmond VA 23219**

**Michele L. White, General Registrar
Prince William County
9250 Lee Ave, Suite 1
Manassas, VA 20110**

Chairman Alcorn, Vice-Chairman Wheeler, Secretary McCallister, Registrar White,

I write to bring your attention to apparent violations of the Commonwealth's election laws and request that you take prompt action pursuant to your responsibility under section 24.2-946.3 of the Code of Virginia to report the violation to the attorney for the Commonwealth for Prince William County. I also encourage you to invoke your authority under section 24.2-104 to request the assistance of the Attorney General as well.

On October 26, 2018, Harry Wiggins, immediate past chairman of the Prince William County Democratic Committee, filed a Statement of Organization, for a Political Action Committee with the name "Republicans for Stanley Bender" (the "PAC"). The PAC was assigned the registration number PAC-18-00492 by the Department of Elections.

Stanley Bender was a duly qualified candidate for chairman of the Prince William County school board in a special election on November 6, 2018. His name appeared on the ballot in that election, as such, he was a "candidate" pursuant to section 24.2-101.

On November 6, Mr. Wiggin's PAC placed several campaign signs at each of the polling places in Prince William County with its name in large letters for the obvious purpose of encouraging Republican voters to support Mr. Bender, rather than the candidate endorsed by the Prince William County Republican Committee.

1. Violation of Section 24.2-949.3. Use of candidate's name in name of political committee.

A political action committee that includes the name of a candidate in its own name must either secure the written authorization of that candidate or provide notice to the candidate by certified mail at least 21 days prior to filing its statement of organization.

As the attached affidavit provided by Mr. Bender makes clear, neither Mr. Wiggins nor anyone affiliated with the PAC either secured his authorization or provided him with notice, thus violating section 24.2-949.3.

Mr. Wiggins conduct in this regard appears to have been willful. As a three-time chairman of a party committee in one of the largest counties in the Commonwealth, he must be familiar with the campaign finance laws. Even if he did not consult the statutes, he was undoubtedly familiar with the Summary of Laws and Policies prepared by the Department, which clearly sets out this requirement related to the use of a candidate's name in the name of a PAC.

The obvious purpose of the PAC to encourage Republicans to vote for Mr. Bender, rather than the candidate who actually received the endorsement of the Prince William County Republican Committee, provides further evidence that Mr. Wiggins conduct was willful. Had he provided notice to Mr. Bender 21 days prior to filing the PAC, he would have been unable to carry out his surprise yard sign campaign on Election Day, detailed further below. Securing Mr. Bender's authorization in perpetrating a fraud on the voters would not have been a viable alternative.

2. Violation of Section 24.2-945.2. Persons required to file independent expenditure disclosure reports; filing deadline.

The campaign signs produced by the PAC were clear independent expenditures. The signs advocated for the election of a clearly identified candidate, Mr. Bender. And, unless Mr. Wiggins coordinated the production of the signs with the candidate endorsed by his party committee, they were made by a political committee and not coordinated with Mr. Bender, or any other candidate. Section 24.2-945.1.

Any political committee that makes independent expenditures of more than \$200 for any local election, must file an independent expenditure report within 24 hours of expending funds on the independent expenditure, with the registrar. Section 24.2-945.2.

Upon information and belief, the campaign signs would have cost more than \$200. Even if there were only enough signs to place 2 at each of Prince William Counties 91 precincts, the PAC would have had to order 200 signs. A 2-color, one-sided sign made of coroplast as these signs were would cost at least \$2 per sign, even before adding the cost of the wire frames used to post the signs.

Upon information and belief, no independent expenditure reports were filed with the General Registrar or the Department.

This violation also appears to have been willful, for the same reasons described above. Mr. Wiggins should be familiar with the Commonwealth's election laws or, at the very

least, the Departments summaries which provide clear direction to political committees on reporting independent expenditures. Filing such a report at the time the PAC made the disbursement would also have ruined the PAC's surprise Election Day strategy.

Based on Mr. Wiggins' willful conduct and the failure of the PAC to abide by the Commonwealth's campaign finance laws, a civil penalty should be assessed and Mr. Wiggins' should be prosecuted for a Class 1 Misdemeanor. Section 24.2-953.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "William A. Card". The signature is written in a cursive style with a large, prominent "O" at the end.

William A. Card, Chairman
Prince William County Republican Committee

Attachment: Affidavit of Stanley Bender

Cc: Hon. Mark Herring, Attorney General
Hon. Paul B. Ebert, Attorney for the Commonwealth, Prince William County



Statement of Organization POLITICAL ACTION COMMITTEE

Type of Statement					
<p style="text-align: center;"><input checked="" type="checkbox"/> NEW</p> <p>This committee is registering with the Virginia State Board of Elections for the first time.</p> <p style="text-align: center;">PAC-18-00492</p>	<p style="text-align: center;"><input type="checkbox"/> AMENDED</p> <p style="text-align: center;">This committee is filing an amended Statement of Organization.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Date Changes Took Effect</th> <th style="width: 50%;">SBE-issued Committee ID</th> </tr> </thead> <tbody> <tr> <td style="height: 20px;"> </td> <td> </td> </tr> </tbody> </table>	Date Changes Took Effect	SBE-issued Committee ID		
Date Changes Took Effect	SBE-issued Committee ID				
Name of Committee					
<p>Republicans for Stanley Bender</p> <hr/> <p>Full Name of Committee</p> <p>RSB</p> <hr/> <p>Committee Acronym (if applicable)</p> <p><input type="checkbox"/> Check this box if this committee is established or controlled by a corporation doing business in Virginia</p>					
Committee Mailing Address					
<p>3525 Waters End Trl</p> <hr/> <p>Street Address/P.O. Box Suite #</p> <p>Woodbridge VA 22192</p> <hr/> <p>City State Zip Code</p> <p>rep4stanbender@gmail.com</p> <hr/> <p>Email Address Business Phone</p>					
<p>Committee Website</p>					
Affiliated Organization or PAC					
<p><input type="checkbox"/> Check this box if this committee is affiliated with another organization or PAC. If so, provide the following information:</p>					
<p>Full Name of Affiliated Organization</p>					
<p>Street Address/P.O. Box Suite #</p>					
<p>City State Zip Code</p>					
<p>Relationship of this Committee to Affiliated Organization</p>					



Statement of Organization POLITICAL ACTION COMMITTEE

Purpose of Committee

Indicate the purpose of this Committee (please be as specific as possible):

Candidates this Committee Supports or Opposes
(skip to next section if supporting a specific party)

Full Name and Address of Candidate	Office Sought	Party Affiliation	Support or Oppose?
Candidate Sheet Attached with 1 Candidates			

(attach additional sheets if more space needed)

Area, Scope and Jurisdiction of the Committee

This Committee intends to participate in elections on the following levels: (check all that apply)

- Statewide elections
- General Assembly elections
- Local elections

If "Local Elections" is checked please list the cities, counties and/or towns the committee intends to be active in:

- | | |
|---------------------------------|----------|
| 1) <u>Prince William County</u> | 4) _____ |
| 2) _____ | 5) _____ |
| 3) _____ | 6) _____ |



Statement of Organization POLITICAL ACTION COMMITTEE

Treasurer					
Treasurer Information	Wiggins		Harry		
	Salutation	Last Name	First Name	Middle Name	Suffix
	rep4stanbender@gmail.com		202-255-6714		
	Email Address		Daytime Phone #		
Treasurer Residential Address	3525 Waters End Trl				
	Street Address			Apt #	
	Woodbridge	VA		22192	
	City	State		Zip Code	
Treasurer Business Address	3525 Waters End Trl				
	Street Address/P.O. Box			Suite #	
	Woodbridge	VA		22192	
	City	State		Zip Code	
Principal Custodian of the Books					
Principal Custodian Information	<input type="checkbox"/> Check this box if the Principal Custodian of the Books is the same person as the Treasurer. If they are the same person, skip this section.				
	Wiggins		Harry		
	Salutation	Last Name	First Name	Middle Name	Suffix
rep4stanbender@gmail.com		202-255-6714			
Email Address		Daytime Phone #			
	Custodian				
	Position or Title				
Principal Custodian Residential Address	3525 Waters End Trl				
	Street Address			Apt #	
	Woodbridge	VA		22192	
	City	State		Zip Code	
Principal Custodian Business Address	3525 Waters End Trl				
	Street Address/P.O. Box			Suite #	
	Woodbridge	VA		22192	
	City	State		Zip Code	
Additional Officers (optional)					
Additional Officers	Full Name		Title	Daytime Phone #	
	Full Name		Title	Daytime Phone #	



Statement of Organization POLITICAL ACTION COMMITTEE

Committee Depository			
PNC			
Name of Primary Financial Institution	Name of Other Financial Institution (if applicable)		
Woodbridge	VA		
City	State	City	State
Address Where Books are Maintained			
Address Where Books are Maintained	3525 Waters End Trl		
	Street Address (P.O. Boxes are not acceptable)		Suite #
	Woodbridge	VA	22192
	City	State	Zip Code
Committee Activity			
<p>Please provide the following dates. (If an action has not yet occurred for this committee, write "N/A")</p> <p>Date contributions exceeded \$200: _____</p> <p>Date expenditures exceeded \$200: _____</p> <p>Date committee depository designated: _____</p> <p>Date treasurer appointed: <u>10/24/2018</u></p>			
Filing Method			
<p>Please indicate the method by which this committee will submit all required campaign finance reports:</p> <p><input type="checkbox"/> File electronically using SBE's VAFiling Application.</p> <p><input type="checkbox"/> File electronically using an SBE Approved Vendor (Please indicate Name of Vendor:) _____</p> <p><input checked="" type="checkbox"/> File paper reports. (By choosing this option, I affirm that this committee does not intend to accept contributions or make expenditures in excess of \$10,000 during the calendar year)</p>			
_____ Signature		_____ Date	



Statement of Organization POLITICAL ACTION COMMITTEE

Statement of Treasurer

Member or Employee Contributions not Required: Any stock or nonstock corporation, labor organization, membership organization, cooperative, or other group of persons may establish and administer for political purposes, and solicit and expend contributions for, a political action committee, provided that:

1. No political action committee shall make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisal, threat of force, or as a condition of employment.
2. Any person soliciting a contribution to a political action committee shall, at the time of solicitation, inform the person being solicited of (i) his right to refuse to contribute without any reprisal and (ii) the political purposes of the committee.

Committees Formed Between October 1 and Election Day: 24.2-949.6 & §24.2-949.6 (D) requires any political action committee filing this form on or after October 1 and before the November election day in any odd numbered year (i) to file a campaign finance report for the committee's activities within 24 hours of filing its Statement of Organization and (ii) to file reports within 24 hours of receiving any contribution or making an expenditure of \$500 or more during the period between the date of filing its statement of organization and election day.

Use of Candidate Name: Any PAC that intends to use the name of a candidate as part of the name of their PAC must file, along with this form, a copy of:

- the written authorization of the candidate consenting the use of his name; or
- the political committee's notice to the candidate of use of his/her name and evidence that the letter was received. The letter must be sent at least twenty-one days prior to the filing of this form.

If two candidates have the same last name, the political committee shall include the first name, or other initial or nickname, in the name of the political committee to identify which candidate is associated with the political committee.

I accept the appointment of Treasurer for this committee. I understand that I am required to comply with the provisions of the Campaign Finance Disclosure Act (Title 24.2, Chapter 9.3 of the *Code of Virginia*). I understand that I must truthfully report all monies and things of value which this political committee receives or expends in a timely manner. Civil penalties will be assessed in the manner required by the *Code of Virginia* for late or un-filed reports. I also understand that if I provide false information on any document submitted to the State Board of Elections that I may be subject to the provisions of § 24.2-1016 which is punishable by a Class 5 felony.

Signature

Date



Instructions for Completing This Form

- Submit the original, signed copy of this form to SBE at:
**1100 Bank Street
Richmond, VA 23219**
- This form must be written in ink or typed or it will be rejected.
- An amended Statement is required to be filed within 10 days of the change if **any** of the information reported on this form changes.

Type of Statement

- Check the box that applies to the type of Statement that you are filing.

*** 24.2-949.6 & §24.2-949.6 (D) requires any political action committee filing this form on or after October 1 and before the November election day in any odd numbered year (i) to file a campaign finance report for the committees activities within 24 hours of filing its Statement of Organization and (ii) to file reports within 24 hours of receiving any contribution or making an expenditure of \$500 or more during the period between the date of filing its statement of organization and election day.

Name of Committee

- Please insert the full name of your committee. You may include the acronym but you must spell out all acronyms for you committee.
- Check the box if this committee is established or controlled by a corporation which is headquartered outside of Virginia and is registered with the State Corporation Commission.

Committee Mailing Address

- Insert the committee's primary mailing address.
 - The address must be within the Commonwealth unless the affiliated organization is a business headquartered outside of the Commonwealth, but registered with the Virginia State Corporation Commission.
- Insert the committee's primary business phone, fax and email address.
- Insert the committee's website address (if one).

Affiliated Organization or PAC

- Please provide the name and contact information of the affiliated organization of the PAC.
- Indicate the nature of the relationship between the PAC and the affiliate.

Purpose of the Committee

- Indicate the primary purpose of the committee (e.g. health care, labor).

Candidate's Supported or Opposed

- Indicate any and all candidates the committee intends to support or oppose.

Area, Scope and Jurisdiction of the Committee

- Please choose the designation that applies.

Treasurer and Books Information

- Treasurer
 - Insert the name, email and phone number of the treasurer.



- Insert the residence address of the treasurer.
 - The treasurer must be a resident of the Commonwealth unless the affiliated organization is headquartered outside of the Commonwealth, but registered with the State Corporation Commission.
- Custodian of the Books (if one)
 - You may leave this section blank if the treasurer also serves as the Custodian of the Books.
 - ***Note:** The Custodian of the Books must be a resident of the Commonwealth of Virginia unless the affiliated organization is headquartered outside of the Commonwealth, but registered with the State Corporation Commission.
- Please list the names of any additional officers affiliated with the organization.

Committee Depository

- Insert the name of the committee's primary depository (Bank Name).
- Insert the address of the committee's secondary depository (if one).
 - *Depositories must be in an account located within the Commonwealth unless the affiliated organization is headquartered outside of the Commonwealth, but registered with the State Corporation Commission.

Filing Method

- Indicate whether the committee intends to file all of their campaign finance disclosure reports electronically.
- **Electronic Filing Option**
 - If you choose to file electronically, log into the following Web site address: <https://cf.sbe.virginia.gov>
- **Approved Vendor Option**
 - If you choose to contract with a private company, SBE recommends that you use an "Approved Vendor." These companies meet SBE's standards for e-filing. Although you are free to use any company you wish, we cannot guarantee that the company you choose will completely comply with SBE's standards. As a result, your committee may end up paying penalties for incomplete, late or un-filed reports. For a list of "Approved Vendors" please visit our website: http://www.sbe.virginia.gov/cms/Campaign_Finance/

Statement of Treasurer

- Please read and sign the Statement.

Candidates Supported or Opposed

1	Name: Stanley Bender	Opposed	6284 Occoquan Forest Dr, Manassas, VA 20112
	Office Sought: School Board Chair	Political Party: Independent	

AFFIDAVIT

I, Stanley Bender, hereby declare as follows under penalty of perjury:

1. The following statements are based on my personal knowledge, and if called to testify I could swear competently thereto.

2. I am at least 18 years old and of sound mind.

3. I am a citizen of the United States and of the Commonwealth of Virginia. I reside at 6284 Occoquan Forest Dr, Manassas VA 20112. I am an eligible Virginia voter and am registered to vote.

4. I was a candidate in the November 6, 2018 special election for Chairman – School Board, for the unexpired term to end December 31, 2019.

5. I am aware that a political action committee calling itself “Republicans for Stanley Bender” was formed on October 24, 2018, with State Board of Elections registration number PAC-18-00492.

6. I did not provide written authorization for the use of my name as part of the name of this or any other political action committee.

7. I did not receive written notice of this or any other political action committee’s intent to use my name 21 or more days prior to the October 23, 2018, filing, or at any other time.

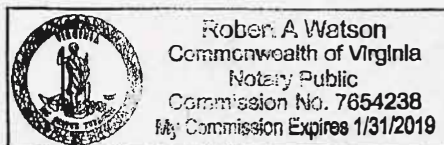
8. I have provided no authorization, written or otherwise, or received any notice, timely or otherwise, regarding the use of my name in the name of any political action committee.

Dated: November 14, 2018

Respectfully submitted,

Stanley Bender

County/City of Prince William
Commonwealth/State of Virginia
The foregoing instrument was subscribed and sworn before me this 14th day of November 2018 by Stanley Bender
(name of person seeking acknowledgement)
Robert A. Watson
Robert A. Watson, Notary Public No. 7654238
My Commission Expires 1/31/2019





Alexander, Tammy <tammy.alexander@elections.virginia.gov>

Fwd: School Board Chair Elections

1 message

Miller, Rise <rise.miller@elections.virginia.gov>
To: "Alexander, Tammy" <tammy.alexander@elections.virginia.gov>

Fri, Nov 30, 2018 at 2:14 PM

Rise' Miller
ELECT
Campaign Finance Services
[1100 Bank St, 1st Floor](#)
[Richmond, VA 23219](#)
804-864-8921 (Direct)

Disclaimer: This message, including any attachments, may summarize laws, regulations and policies of the Virginia Department of Elections or the Commonwealth of Virginia. Furthermore, this message and any responses sent to this email address may be subject to public disclosure under FOIA. For more information, please call the Virginia Department of Elections at [1-800-552-9745](tel:1-800-552-9745) or visit <http://elections.virginia.gov/index.php/email-disclaimer>.

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

From: **stanley bender** <stanley.bender2@gmail.com>
Date: Wed, Nov 14, 2018 at 2:49 PM
Subject: School Board Chair Elections
To: <rise.miller@elections.virginia.gov>

Rise,
I Stanley Bender never authorized Harry Riggins of the Democratic Party to use my name for the School Board Chair Elections. I would like this document attached to my record.
Thanks



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

December 4, 2018

Sent via certified and electronic mail

Harry Wiggins
3525 Waters End Trail
Woodbridge, Virginia 22192
Rep4stanbender@gmail.com

Re: Incomplete Submission of Statement of Organization for Republicans for Stanley Bender

Dear Mr. Wiggins:

Our records indicate that on October 26, 2018, an automatic notification was issued confirming that the Statement of Organization for Republicans for Stanley Bender (PAC 18-00492) was accepted by the Department of Elections (Department). This notification was sent in error, as the submission did not include all the materials required for political action committees (PAC) who use a candidate's name in the PAC's name pursuant to the Virginia Code § 24.2-949.3(B).

Accordingly, the Department revokes its approval of the statement of organization for Republicans for Stanley Bender because of its failure to comply with Virginia Code § 24.2-949.3(B):

Any political action committee which intends to use the name of a candidate as part of the name of the political action committee shall file with the statement of organization required by § 24.2-949.2 either (i) a copy of the written authorization of the candidate consenting to the use of his name or (ii) a copy of its notice to the candidate and evidence of its timely mailing.

To complete your statement of organization, you must forward to the Department: (1) a copy of the candidate's prior written authorization consenting to the use of his name or (2) a copy of notice to the candidate and evidence of timely mailing.¹ Please direct this information to cfda@elections.virginia.gov or to tammy.alexander@elections.virginia.gov.

If these materials are not submitted on or before December 14, 2018, Republicans for Stanley Bender may be fined pursuant to Virginia Code § 24.2-953.1. Additional penalties may

¹ "Timely mailing" is defined in Virginia Code § 24.2-949.3(A)(ii) as "21 or more days prior to filing, written notice to the candidate of its intent to use his name as part of the name of the political action committee."



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

be assessed for a possible violation of Virginia Code § 24.2-949.3(A), which prohibits a PAC from including a candidate's name in any part of its name unless the PAC first obtained permission from or provided notice to the candidate.

Sincerely,

Arielle Schneider

Policy Analyst – Campaign Finance

NICHOLS ZAUZIG
A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW
12660 LAKE RIDGE DRIVE, WOODBRIDGE, VIRGINIA 22192
www.nzslaw.com

PAUL F. NICHOLS*
CHARLES J. ZAUZIG, III***
BETTY MOORE SANDLER**
CLAIRE E. KEENA***
CASSANDRA M. CHIN
MELISSA G. RAY***

December 13, 2018

MELANIE CORBIN RICE
TRACEY A. LENOX
MICHAEL E. HOLLINGSWORTH*
JILL M. MCCANN***
PEYTON ALSTON SIMMONS
J. ANDREW TAYLOR
GREGORY LYNN OXLEY *OF COUNSEL*

*VA & PA
**VA & KY
***VA & DC

VIA EMAIL (tammy.alexander@elections.virginia.gov) AND MAIL

ATTN: Arielle Anderson Schneider
Virginia Department of Elections
1100 Bank Street
Washington Building-First Floor
Richmond, Virginia 23219-3947

Re: Harry Wiggins

Dear Arielle:

Please be advised that I represent Harry Wiggins, with regard to a letter dated December 4, 2018, concerning a possible violation of Virginia Code

Mr. Wiggins did not receive your letter until approximately December 9, 2018. Upon receipt of your letter, Mr. Wiggins promptly contacted my office on December 10, 2018, to schedule an appointment. Unfortunately, I am unavailable to meet with Mr. Wiggins until next week due to my trial schedule, as well as a pre-planned trip out of town. However, I plan to meet with Mr. Wiggins on December 19, 2018, to review the facts and circumstances of this matter and will respond to your letter at that time. In the meantime, please direct all correspondence and contacts regarding this matter to myself and/or my office.



TYSON'S CORNER OFFICE:
By Appointment Only

WOODBRIDGE OFFICE:
703-492-4200/Fax 703-492-4201

STAFFORD OFFICE:
By Appointment Only

Very Truly Yours,
Paul F. Nichols /cmw
Paul F. Nichols

PFN:cmw
Cc: Harry Wiggins