

State Board of Elections
Tuesday, May 28, 2024
FINAL Meeting Minutes

1 The State Board of Elections (“the Board”) meeting was held on Tuesday,
2 May 28, 2024 in Senate Room A of the General Assembly Building in Richmond,
3 Virginia. The meeting also offered public participation through electronic
4 communication so the remote public could view and hear the meeting. In
5 attendance: John O’Bannon, Chairman; Rosalyn R. Dance, Vice Chair; Georgia
6 Alvis-Long, Secretary and Delegate Donald Merricks, member; and Matthew
7 Weinstein; member represented the State Board of Elections (“the Board”). Susan
8 J. Beals, Commissioner, represented the Department of Elections (“ELECT”), and
9 Andrew Murphy and Dennis Polio represented the Office of the Attorney General
10 (“OAG”). Chairman O’Bannon called the meeting to order at 1:02 P.M.

11 The first item of business was the Approval of the Minutes from the April
12 10, 2024 and May 2, 2024 Board Meeting, presented by Secretary Alvis-Long.
13 Vice Chair Dance moved *to approve the minutes from the April 10, 2024 and May*
14 *2, 2024.* Mr. Weinstein seconded the motion and the motion passed unanimously. A
15 roll call vote was taken:

16 Chairman O’Bannon – Aye

17 Vice Chair Dance – Aye

18 Secretary Alvis-Long – Aye

19 Delegate Merricks – Aye

20 Mr. Weinstein – Aye

21 The Chairman opened the floor to public comment. Sheila Furey, Cindy
22 Morris-Scruggs, Richard Lister, Andrea Bayer, Douglas Clark, Roxanna Gray, Ann
23 Grigorian, Thomas Kasperek, Jim Buttolph, Ned Jones, Rahul Maitra, and Kenneth
24 Vande Vrede addressed the Board.

25 The second item of business was the Commissioner’s Report, presented by
26 Commissioner Beals. Commissioner Beals advised the Board that on May 3rd
27 early voting started for the June Primary Election. The Commissioner stated that
28 every locality in Virginia has a primary election, including a Republican Primary
29 for Senate, and some have Congressional and local primaries. Commissioner Beals
30 explained that voters will be asked which ballot and which primary they would like
31 to vote in, which allows the voter to vote in the primary they choose.

32

33 The Commissioner informed the Board that she spoke to the Cyber
34 Navigator Interns at University of Virginia. Commissioner Beals stated that the
35 Cyber Navigator program is funded by a federal grant and involves five
36 universities across Virginia. The Commissioner stated that the program allows 4th
37 year college students to be trained in a 3-day boot camp in cyber security. After the
38 boot camp the interns are sent out to local election offices for the summer to assist
39 the General Registrars.

40 The third item of business is the Voting System Certification for Clear Ballot
41 presented by Brandon Smith, Chief Technology Officer. *This certification is in the*
42 *Working Papers for the May 28, 2024 meeting.* Vice Chair Dance moved that the
43 *Board certify the use of Clear Ballot voting system – ClearVote 2.4 in elections in*
44 *the Commonwealth of Virginia, pursuant to the State Certification of Voting*
45 *Systems.* Mr. Weinstein seconded the motion and the motion passed unanimously.

46 A roll call vote was taken:

47 Chairman O’Bannon – Aye

48 Vice Chair Dance – Aye

49 Secretary Alvis-Long – Aye

50 Delegate Merricks – Aye

51 Mr. Weinstein – Aye

52 The fourth item of business is the KNOWiNK Electronic Pollbook
53 Certification presented by Brandon Smith, Chief Technology Officer. *This*
54 *certification is in the Working Papers for the May 28, 2024 meeting.* Vice Chair
55 Dance moved that the *Board certify the use of KNOWiNK electronic pollbook*
56 *system – Pollpad 3.4.8, in elections in the Commonwealth of Virginia, pursuant to*
57 *the State Certification of Electronic Pollbooks.* Mr. Weinstein seconded the motion
58 and the motion passed unanimously. A roll call vote was taken:

59 Chairman O'Bannon – Aye

60 Vice Chair Dance – Aye

61 Secretary Alvis-Long – Aye

62 Delegate Merricks – Aye

63 Mr. Weinstein – Aye

64 The fifth item of business is the Elections Systems & Software Electronic

65 Pollbook Certification presented by Brandon Smith, Chief Technology Officer.

66 *This certification is in the Working Papers for the May 28, 2024 meeting. Vice*

67 Chair Dance moved *that the Board certify the use of Election Systems & Software*

68 *(ES&S) electronic pollbook system – ExpressPoll 7.2.6.0, in elections in the*

69 *Commonwealth of Virginia, pursuant to the State Certification of Electronic*

70 *Pollbooks. Mr. Weinstein seconded the motion and the motion passed. A roll call*

71 *vote was taken:*

72 Chairman O'Bannon – Aye

73 Vice Chair Dance – Aye

74 Secretary Alvis-Long – No

75 Delegate Merricks – No

76 Mr. Weinstein – Aye

77 The sixth item of business is the Locality Electronic System Standard
78 (“LESS”) Closed Session presented by Brandon Smith, Chief Technology Officer.
79 At 1:50 P.M., Delegate Merricks moved *pursuant to Virginia Code Section 2.2-*
80 *3711(A)(34), that the Board go into closed session for the purpose of discussing*
81 *voting security matters made confidential pursuant to 24.2-410.2. In accordance*
82 *with Section 2.2-3712(F), Susan Beals, Commissioner of Elections, Andrew*
83 *Murphy and Dennis Polio of the Office of the Attorney General, and Brandon*
84 *Smith, Chief Technology Officer, will attend the closed session because their*
85 *presence will reasonably aid the Board in its consideration of the subject of the*
86 *meeting. Mr. Weinstein seconded the motion and the motion passed unanimously.*

87 A roll call vote was:

88 Chairman O’Bannon – Aye

89 Vice Chair Dance – Aye

90 Secretary Alvis-Long – Aye

91 Delegate Merricks – Aye

92 Mr. Weinstein – Aye

93 At 2:10 P.M., Delegate Merricks moved *to reconvene the meeting in open*
94 *session, and take a roll call vote certifying that to the best of each member’s*
95 *knowledge (i) only such public business matters lawfully exempted from open*

96 *meeting requirements under this chapter and (ii) only such public business matters*
97 *as were identified in the motion by which the closed meeting was convened were*
98 *heard or discussed by the State Board of Elections. Mr. Weinstein seconded the*
99 *motion and the motion passed unanimously. A roll call vote was taken:*

100 Chairman O'Bannon – Aye

101 Vice Chair Dance – Aye

102 Secretary Alvis-Long – Aye

103 Delegate Merricks – Aye

104 Mr. Weinstein – Aye

105 The seventh item of business is the Finalization of Stand By Your Ad
106 Decision from the April 10th Meeting presented by Tammy Alexander, Campaign
107 Finance Compliance and Training Supervisor. *This memo is in the Working Papers*
108 *for the May 28, 2024 meeting. Delegate Merricks moved that the Board finalize the*
109 *decision made on the Williamsburg – James City County Republican Committee –*
110 *PAC-12-00611 Stand By Your Ad (SBYA) violation assessed at the April 10, 2024*
111 *State Board of Elections (SBE) meeting. Vice Chair Dance seconded the motion*
112 *and the motion passed unanimously. A roll call vote was taken:*

113 Chairman O'Bannon – Aye

114 Vice Chair Dance – Aye

115 Secretary Alvis-Long – Aye

116 Delegate Merricks – Aye

117 Mr. Weinstein – Aye

118 The eighth item of business is the Campaign Finance Regulations for Print
119 Media Advertisement presented by Steven Koski, ELECT Policy Analyst. *This*
120 *memo is in the Working Papers for the May 28, 2024 meeting.* Vice Chair Dance
121 moved pursuant to § 2.2-4011 of the Code of Virginia, I move that the Board
122 approve IVAC-20-90-40 as presented. Further, I move that the Board direct
123 ELECT to delay enforcement of the regulation, aside from clear violations of the
124 general requirements also stated in the Code, until January 1, 2025. Delegate
125 Merricks seconded the motion. The motion was withdrawn and readdressed after
126 closed session.

127 The ninth item of business was the SBE Policy 2022-001 Electronic
128 Participation in Meetings presented by Catherine McFarland, FOIA and Record
129 Retention Officer. *This memo is in the Working Papers for the May 28, 2024*
130 *meeting.* Vice Chair Dance moved that the Board adopt the amended policy to
131 conduct meetings through electronic communication means in compliance with
132 §2.2-3708.3(D) of the Code of Virginia to be effective July 1, 2024. Mr. Weinstein
133 seconded the motion and the motion passed unanimously. A roll call vote was
134 taken:

135 Chairman O'Bannon – Aye

136 Vice Chair Dance – Aye

137 Secretary Alvis-Long – Aye

138 Delegate Merricks – Aye

139 Mr. Weinstein – Aye

140 The tenth item of business was the Request for Petition for the Removal of
141 an Electoral Board Member presented by Matthew Abell, Elections Services Senior
142 Advisor. *This memo is in the Working Papers for the May 28, 2024 meeting.*

143 Chairman O'Bannon opened the floor to public comment. Maria Anne Kinney,
144 Gerald Barnes, Clara Belle Wheeler, and Irene Churins addressed the Board. The
145 motion was addressed after the closed session.

146 At 3:00 P.M., Delegate Merricks moved *pursuant to Virginia Code Section*
147 *2.2-3711(A)(7), that the Board go into closed session for the purpose of discussing*
148 *pending threatened litigation. In accordance with Section 2.2-3712(F), Susan*
149 *Beals, Commissioner of Elections, Steve Koski, ELECT Policy Analyst and Andrew*
150 *Murphy and Dennis Polio of the Office of the Attorney General, will attend the*
151 *closed session because their presence will reasonably aid the Board in its*
152 *consideration of the subject of the meeting.* Mr. Weinstein seconded the motion and
153 the motion passed unanimously. A roll call vote was taken:

154 Chairman O'Bannon – Aye

155 Vice Chair Dance – Aye

156 Secretary Alvis-Long – Aye

157 Delegate Merricks – Aye

158 Mr. Weinstein – Aye

159 At 3:37 P.M., Delegate Merricks *move to reconvene the meeting in open*
160 *session, and take a roll call vote certifying that to the best of each member's*
161 *knowledge (i) only such public business matters lawfully exempted from open*
162 *meeting requirements under this chapter and (ii) only such public business matters*
163 *as were identified in the motion by which the closed meeting was convened were*
164 *heard or discussed by the State Board of Elections. Mr. Weinstein seconded the*
165 *motion and the motion passed unanimously. A roll call vote was taken:*

166 Chairman O'Bannon – Aye

167 Vice Chair Dance – Aye

168 Secretary Alvis-Long – Aye

169 Delegate Merricks – Aye

170 Mr. Weinstein – Aye

171 Chairman O'Bannon referred to the eighth item on the agenda Campaign
172 Finance Regulations for Print Media Advertisement. Mr. Weinstein moved
173 pursuant to § 2.2-4011 of the Code of Virginia, *that the Board approve 1VAC-20-*
174 *90-40. Further, I move that the Board direct ELECT to delay enforcement of the*
175 *regulation, until January 1, 2025.* Delegate Merricks seconded the motion and the
176 motion passed unanimously. A roll call vote was taken:

177 Chairman O'Bannon – Aye

178 Vice Chair Dance – Aye

179 Secretary Alvis-Long – Aye

180 Delegate Merricks – Aye

181 Mr. Weinstein – Aye

182 Chairman O'Bannon referred to the tenth item on the agenda the Request for
183 Petition for the Removal of an Electoral Board Member. Vice Chair Dance moved
184 *to defer to the July 2, 2024 State Board of Elections Meeting.* Mr. Weinstein
185 seconded the motion and the motion passed unanimously. A roll call vote was
186 taken:

187 Chairman O'Bannon – Aye

188 Vice Chair Dance – Aye

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189 Secretary Alvis-Long – Aye

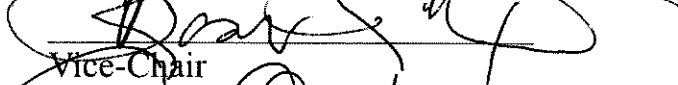
190 Delegate Merricks – Aye

191 Mr. Weinstein – Aye


192 The meeting adjourned at 3:40 P.M.

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194 Chairman

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196 Vice-Chair

197 

198 Secretary

199 

200 Board Member

201 

202 Board Member