

1           MINUTES

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3           The State Board of Elections Board Meeting was held on Tuesday, July 15, 2014.  
4           The meeting was held in the General Assembly Building, Richmond, Virginia, Room C.  
5           In attendance, representing the State Board of Elections (SBE) was Charles Judd, Chair;  
6           Kimberly Bowers, Vice Chair; Kristina Perry Stoney, Senior Assistant Attorney General  
7           and SBE Counsel and Anna Birkenheier, Assistant Attorney General. In attendance,  
8           representing the Department of Elections (ELECT) was Edgardo Cortés, Commissioner;  
9           Chris Piper, Election Services Manager; Matt Abell, Election Services Lead; Susan Lee,  
10          Election Uniformity Manager; Myron McClees, ELECT Policy Analyst; Brooks Braun,  
11          ELECT Policy Analyst and Rose Mansfield, Executive Assistant. Chairman Judd called  
12          the meeting to order at 10:00AM.

13          The first order of business was the Commissioner’s Report delivered by  
14          Commissioner Cortés. Commissioner Cortés stated the photo identification  
15          implementation program became active on July 1, 2014. The localities are trained and  
16          prepared to issue photo identifications to citizens of the commonwealth. Commissioner  
17          Cortés stated that as of July 14, 2014, 133 identifications were processed from 54  
18          localities. The top producing localities were Richmond, Petersburg and Roanoke.  
19          Commissioner Cortés stated because the identifications are produced at the Department  
20          of Elections statistical information is available. The average age of the applicants was 60  
21          years of age with the youngest individual being 22 years of age and the eldest being 90  
22          years of age. Commissioner Cortés stated that it is anticipated that the quantity of the  
23          requests will increase as the commonwealth approaches an election. The local general  
24          registrars are involved in outreach programs and ELECT will be expanding their outreach  
25          plans.

26          The second order of business was the Legal Report delivered by Kristina Perry  
27          Stoney, Senior Assistant Attorney General and SBE Counsel and Anna Birkenheier,  
28          Assistant Attorney General and SBE Counsel. Ms. Stoney stated that counsel did not  
29          have a legal update to provide Board Members.

30          The next order of business was the Petition Appeals presented by Chris Piper,  
31          Elections Services Manager. Mr. Piper stated that in 2013, Virginia General Assembly

32 Members passed Chapter 684 which allows for a candidate who is denied ballot access,  
33 based on an insufficient number of signatures on their petitions, to appeal to SBE to have  
34 those signatures denied reconsidered. SBE passed a regulation in 2013, 1VAC20-50-30,  
35 Appeals of Petition Signature Insufficiency, which laid out the procedures for candidates  
36 appealing ELECT staff decisions regarding petitions. Mr. Piper stated that there are two  
37 requests for appeals to be presented (i) Candidate Justin L. Upshaw and (ii) Candidate  
38 Justin Gandino-Saadein. Mr. Piper explained that Mr. Upshaw submitted a request for  
39 appeal without a list of signatures which is required under G1, 1VAC20-50-30. The  
40 appeal will not be heard by SBE due to noncompliance on the behalf of Mr. Upshaw.  
41 Mr. Piper stated that Mr. Justin Gandino-Saadein, Candidate 3<sup>rd</sup> District of the House of  
42 Representatives, submitted the necessary paperwork to support his appeal. Mr. Gandino-  
43 Saadein needs 379 qualifying signatures to be placed on the ballot. Mr. Piper stated that  
44 the review of petitions by ELECT staff indicated that the majority of voters who did not  
45 qualify are registered voters in the 2<sup>nd</sup> District not the 3<sup>rd</sup> District for which the Candidate  
46 is seeking office. ELECT staff informed Mr. Gandino-Saadein that to consider those  
47 voters in the other district affidavits would need to come from those voters stating that  
48 they provided an incorrect address on the petitions. Chairman Judd asked if the candidate  
49 was present.

50 Mr. Justin Gandino-Saadein approached the podium. Mr. Gandino-Saadein stated  
51 that he was appealing the decision made by ELECT staff regarding the submitted  
52 petitions for his candidacy in the 3<sup>rd</sup> District of the House of Representatives. Mr.  
53 Gandino-Saadein stated that the campaign provided 2800 signatures of registered voters  
54 which are more than adequate to gain ballot access. Mr. Gandino-Saadein stated that “this  
55 disenfranchises voters and will make the 3<sup>rd</sup> District the only House of Representative  
56 District without a choice of candidates.”

57 Chairman Judd stated: “It is the responsibility of the campaign to know the  
58 district for each voter who is signing a petition to ensure that the candidate receives  
59 enough valid signatures to gain ballot access. The responsibility of the circulators is to  
60 ensure voters are in the right district when they sign petitions. SBE is not responsible for  
61 disenfranchising voters if the petitions are not supporting the candidate in the correct  
62 district.” Vice Chair Bowers stated: “That as a previous petitioner it was important to

63 make sure that voters were eligible to sign the petition and that they were in the right  
64 district. Maps were checked against available data and SBE is not disenfranchising voters  
65 because those voters will still go to the polls in November, 2014, to vote for the candidate  
66 they see fit. The petitioning process is important because it shows the seriousness of the  
67 candidate and also gives you a preview of what the candidate can expect in the way of  
68 respect as the campaign progresses. The effort to obtain an overage on the petitions is  
69 worth the cause so that when you come to the screening process you will have an  
70 adequate number of valid signatures.” Chairman Judd asked if there were any other  
71 questions and there were none. Chairman Judd complimented Mr. Gandino-Saadein on  
72 his efforts and acknowledged the labor involved in gathering signatures for petitions.  
73 Vice Chair Bowers moved *that the Board dismiss the appeal presented by Mr. Gandino-*  
74 *Saadein.* Chairman Judd seconded the motion and without further comment the Board  
75 unanimously approved the motion.

76 Chairman Judd directed Mr. Piper to explain the details around the request for  
77 appeal regarding Mr. Justin Upshaw. Mr. Piper explained that the candidate was denied  
78 ballot access due to an insufficient number of signatures. The request for the appeal  
79 arrived before the deadline but, the list of signatures requiring review was not submitted  
80 to ELECT staff. Therefore, the candidate did not meet the requirements of the  
81 regulations. This inaction prevents this appeal from being presented to SBE. Chairman  
82 Judd asked if there were any other concerns regarding the petition appeals.

83 Mr. Piper stated Mr. Draper was denied ballot access due to insufficient  
84 signatures on his petitions. Mr. Draper attempted to submit a request for an appeal  
85 however; the ELECT office did not receive the paperwork. Therefore, the candidate did  
86 not meet the requirements of the regulations. This action prevents the appeal from being  
87 presented to SBE. Chairman Judd asked if there were any comments.

88 Mr. Draper approached the podium. Mr. Draper stated that his campaign was in  
89 error and had sent the documents to the wrong e-mail address and the rejected return  
90 receipt was sent undetected to the campaigns junk mail box. Mr. Draper asked the Board  
91 Members for an extension to his appeal. Vice Chair Bowers stated that this was an  
92 unfortunate situation and to extend the deadline would not be within the regulation and  
93 unfair to other candidates. Mr. Piper stated that on July 7, 2014 all candidates that did not

94 have a sufficient amount of signatures on their petitions were notified. The regulation  
95 provides five calendar days to request an appeal and all the candidates were informed of  
96 the Board Meeting date to hear the appeals. Mr. Piper stated that ELECT has followed  
97 the guidelines of the regulation and the code. Mr. Piper stated that ELECT staff was in  
98 constant communication with the campaigns throughout the process providing updates on  
99 signature counts and status. Mr. Draper stated that their campaign was provided with an  
100 update and were told that there were four pages that lack notarization which caused those  
101 petitions to be rejected. Chairman Judd stated that SBE appreciates the efforts on behalf  
102 of the Draper campaign however; the deadline has passed and the guidelines set by the  
103 regulation must be adhered to for the sake of consistency and fairness to other candidates.

104 Chairman Judd asked if there were any public comments. Clara Bell Wheeler of  
105 Chairman of the Albemarle County Electoral Board provided comment. Chairman Judd  
106 asked if there were additional public comment and there were none.

107 Chairman Judd asked if there were comments for the Good of the Order.  
108 Commissioner Cortés introduced Brooks Braun, Elect Policy Analyst and welcomed him  
109 to the ELECT team. Ms. Perry Stoney congratulated Commissioner Cortés on his new  
110 appointment to commissioner and noted the wedding anniversary of herself and her  
111 spouse.

112 Chairman Judd moved *that the Board adjourn*. Vice Chair Bowers seconded the  
113 motion and without further comment the Board voted to adjourn. The meeting was  
114 adjourned at approximately 10:55AM.

115 The Board shall reconvene on July 22, 2014 at 8:00AM during the Department of  
116 Elections, Annual Training Event, 12042 West Broad Street, Richmond, Virginia, Room-  
117 Large Ballroom.

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Secretary

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125 Chair

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Vice Chair

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