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STATE BOARD *of* ELECTIONS

BOARD MEETING

Monday, May 21, 2018
Senate Room 3
Virginia State Capitol
Richmond, VA
10:30AM

SBE Board Working Papers

**STATE BOARD OF ELECTIONS
AGENDA**

*DATE: May 21, 2018
LOCATION: Senate Room 3
Virginia State Capitol
Richmond, VA
TIME: 10:30 A.M.*

- I. CALL TO ORDER** *James B. Alcorn
Chair*
- II. APPROVAL OF MINUTES** *Singleton McAllister
Secretary*
- III. COMMISSIONER’S REPORT** *Chris Piper
Commissioner*
- IV. NEW BUSINESS**
- A. Stand By Your Ad memos** *Arielle A. Schneider
Policy Analyst*
- i. Express Advocacy**
 - ii. Procedures**
 - iii. Factors**
- B. Stand By Your Ad hearings**
- i. Print Media**
 - 1. Bart Randall for School Board**
 - 2. Cheryl Turpin for Delegate**
 - 3. Elizabeth Guzman for Delegate**
 - 4. Friends of Team Manassas**
 - 5. Hannah for Hope**
 - 6. Joan Ziglar for Commonwealth’s Attorney**
 - 7. National Right to Work Committee**
 - 8. Ned Gallaway for Supervisor**
 - 9. Pulaski County Citizens for an Informed Community**
 - 10. Schleeper for City Council**
 - 11. Tim McPeters for Commissioner of the Revenue**
 - 12. Virginia Gov Facts**
 - 13. Virginia Freedom Caucus**

ii. Television

1. Ed Gillespie for Governor

2. Northam for Governor

V. OTHER BUSINESS & PUBLIC COMMENT

VI. ADJOURNMENT



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Call to Order

BOARD WORKING PAPERS

James Alcorn
SBE Chair



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Approval of Board Minutes

BOARD WORKING PAPERS
Singleton McAllister
Secretary of the Board



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Commissioner's Report

BOARD WORKING PAPERS

Chris Piper
Commissioner



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Stand By Your Ad

BOARD WORKING PAPERS
Arielle A. Schneider
Policy Analyst



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DEPARTMENT *of* ELECTIONS

Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Arielle A. Schneider, Policy Analyst
Date: May 21, 2018
Re: Suggested Amendment to Definition of “Express Advocacy”

Suggested Motion

I move that the Board adopt the revised definition of “express advocacy” stated herein and initiate the process of submitting a new regulation defining express advocacy for public comment.

Background

The Code of Virginia §24.2-946 requires the State Board of Elections (the Board) to summarize election laws relating to the CFDA for candidates and committees. Last updated on September 14, 2015, these summaries define express advocacy as a direct or indirect contribution, in-kind contribution, independent expenditure or loan made to a candidate or political committee for the purpose of influencing the outcome of an election; an advertisement that refers to a party or candidate(s) by name and states “Vote for...”; “Support”; “Elect ...”; “Smith for Congress”; “Send him home”; “Oppose, etc.”¹ While this definition does not restrict the Board from determining that an advertisement constitutes express advocacy even if the advertisement does not use any of the listed words, the Board has repeatedly expressed concern that the definition does not provide sufficient clarity to citizens and entities of the Commonwealth who wish to sponsor political campaign advertisements. As a result, over the past four years, the Board has deferred numerous Stand By Your Ad complaints indefinitely.

On March 23, 2018, the Board asked ELECT to “provide a memo in consultation with the Office of the Attorney General regarding the interpretation and application of express advocacy, to include a review of past decisions by this Board, federal and state courts.”

PROPOSED REVISED DEFINITION FOR “EXPRESS ADVOCACY”

“Express advocacy” includes any communication that uses phrases such as ‘vote for,’ ‘elect,’ ‘support,’ ‘cast your ballot for,’ ‘Smith for Congress,’ ‘vote against,’ ‘defeat,’ ‘reject’” or any variations thereof, or any communication when taken as a whole and with limited reference to external events, such as the proximity to the election, could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidate(s) because (i) the electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning; and (ii) reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidate(s).

¹ Summary of Laws and Policies, CANDIDATE CAMPAIGN COMMITTEE §1.7 *Definitions* 7 (revised September 14, 2015).



Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Arielle A. Schneider, Policy Analyst
Date: May 21, 2018
Re: Stand By Your Ad Hearings Procedures – Proposed Policy 2018–001

Suggested Motion

I move that the Board adopt the below procedures to govern Stand By Your Ad (SBYA) hearings.

Background

On March 23, 2018, the Department of Elections (ELECT) presented a proposed set of standard operating procedures to be used by ELECT in processing Stand By Your Ad complaints. The State Board of Elections (the Board) approved the procedures unanimously, and asked ELECT to prepare proposed procedures for conducting Stand By Your Ad hearings, a memo outlining express advocacy, and a list providing factors for the Board to consider when determining the appropriate civil penalty to assign for a violation of Chapter 9.5. Accordingly, ELECT has prepared the below policy to be used by the State Board of Elections when conducting Stand By Your Ad hearings pursuant to the Code of Virginia §24.2-955.3.

PROPOSED State Board of Elections Policy 2018-001

A meeting of the Virginia State Board of Elections was held on May 21, 2018 whereby a policy was proposed and approved by the Board:

Stand By Your Ad Hearings

WHEREAS, the Code of Virginia §24.2-955.3 provides that the State Board shall conduct a public hearing to determine whether to find a violation of Chapter 9.5 and assess civil penalties when appropriate; now therefore let it be

RESOLVED, by the State Board of Elections under its authority to issue rules and regulations to promote the proper administration of election laws and obtain uniformity in the administration of elections pursuant to §24.2-103, that:

Scope. The below policy applies to the conduct of Stand By Your Ad hearings by the State Board of Elections.

General Provisions.

- 1. Notice, by electronic and certified US mail, where sent.** If a respondent is a registered voter or registered committee, notice shall be sent by certified United States mail to the most recent mailing address provided in a statement (voter registration or statement of organization) filed with the Board. If contact information for the complainant is provided, ELECT will provide notice to complainants by electronic and certified mail as appropriate.



2. **Opportunity to be heard.** The respondent must be given an opportunity to appear in person at a Board meeting before the Board makes a determination on the matter. Neither the complainant nor respondent is required to appear before the Board. A complainant or respondent may submit a written statement to the Board in addition to or in lieu of an appearance before the Board. A written statement under this part must be submitted prior to or at the Board meeting at which the matter will be heard.
3. **Non-appearance.** When notice of the opportunity to be heard has been sent, the failure to appear in person or in writing at the noticed meeting constitutes a waiver of the opportunity to be heard at that meeting.
4. **Waiver.** The Board may, for good cause shown, and by unanimous vote, waive a provision of this policy if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law. In any conflict within this policy between general and specific provisions, the specific provisions shall govern.

Definitions.

1. “Clearly identified” means the candidate’s name, nickname, photograph, or drawing or the identity of the candidate is otherwise apparent through an unambiguous reference such as the candidate’s initials (e.g. FDR), nickname (e.g. Ike), her office (e.g. “the Governor”) or through an unambiguous reference to his or her status as a candidate such as “the Democratic Senate nominee for District 5”.
2. “Complainant” means the filer of a complaint.
3. “Complaint” means a written statement, including any attachments, that:
 - a. Alleges that the subject named in the complaint has violated Virginia’s Stand By Your Ad law, and
 - b. Complies with the requirements outlined in SBE Processing Campaign Finance Complaints memo/policy,
4. “Coordinated, or coordination” means an expenditure that is made (i) at the express request or suggestion of a candidate, a candidate’s campaign committee, or an agent of the candidate or his campaign committee or (ii) with material involvement of the candidate, a candidate’s campaign committee, or an agent of the candidate or his campaign committee in devising the strategy, content, means of dissemination or timing of the expenditure.
5. “Express advocacy” means
 - a. any communication that uses phrases such as “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Congress”, “vote against”, “defeat”, “reject” or any variations thereof, or
 - b. any communication when taken as a whole and with limited reference to external events, such as the proximity to the election, could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidate(s) because
 - i. the electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning; and
 - ii. reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidate(s).
6. “Respondent(s)” means the subject of a complaint, or the committee against whom action is sought.



Coordinated Expenditure. If an expenditure is alleged or appears to be coordinated, as per the definition in the Code of Virginia §24.2-955.1, the Department of Elections may provide notice to the named party.

Minutes and Transcripts. The minutes of Board meetings and hearings are a matter of public record. The minutes of Board meetings shall include the vote of each member on each complaint and any ruling of the Board.

Interpreters. If an interpreter is required, ELECT staff will make appropriate arrangements to ensure the provision of an interpreter for the hearing.

Hearing Procedures: General. The order of procedure at the meeting shall be as follows:

- Call to order and opening statement of the Chairman, to include a list of the respondents whose hearings are scheduled for the meeting, a note that the respondents are required neither to appear nor speak, and a statement explaining that the Board will consider each complaint in alphabetical order by respondent or committee name.
- Introductory statement by the Commissioner, Counsel, or ELECT staff, as appropriate.
- For each complaint heard, ELECT staff will present the evidence submitted and provide an opportunity to answer questions from the Board.
- Respondent shall be given the opportunity to speak, and answer questions from the Board.
- Witnesses before the Board shall be examined orally. Any member of the Board may question any witness at any time during or after the witness speaks.

Hearing Procedures: Chair's Authority. The Chair shall have the authority to:

- Regulate the course of the hearing;
- Approve motions to consolidate complaints for hearing;
- Call and examine witnesses;
- Request any party or person at any time during the hearing to state his or her respective position concerning any issues in the proceeding and theory in support of that position;
- Adjourn a hearing and establish the date when the hearing will be continued;
- Conclude a hearing;
- Establish reasonable time limits for witnesses, and fairly allocate time among the parties and others;
- Exclude unduly repetitious or irrelevant testimony, and permit a witness to adopt the prior testimony of another witness; and
- Take any other action permissible by law or that is necessary under this policy.

Representation. In a proceeding before the Board, any person or party may appear on his or her own behalf. Any person or party may be represented by any other person duly authorized in writing to do so for the purpose of the hearing.

Deliberation. To assess a civil penalty for a violation of Chapter 9.5 Stand By Your Ad, the Board must find that SBYA requirements apply to the communication in question, and that the communication fails to comply with SBYA requirements. The Board should consider whether the communication constitutes an “advertisement in the print media or on radio or television,” and



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whether the advertisement expressly advocates for the election or defeat of a clearly identified candidate. Upon such finding, the Board may then determine whether the advertisement complies with SBYA disclosure requirements and if not, what civil penalty to assess.

Decision. The Board’s motion should clearly state whether the Board determined that the communication in question constitutes an advertisement governed by the Stand By Your Ad laws and, in the case of advertisements governed by SBYA, provide the civil penalty assessed. The recommendation provided by ELECT for each complaint will include a motion stating whether a violation was found and the penalty assessed, which the Board can use or change. For example, *“I move, subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find John Smith in violation of Stand By Your Ad’s print media disclosure requirements with regard to two advertisements, and is thereby fined \$200.”* At the conclusion of the hearing, ELECT staff shall send notice of the decision promptly to all parties.

Continuance. A scheduled hearing shall not be delayed by the inability of the Respondent to attend the hearing unless a request for a continuance is made in writing to the Chairman of the Board or Department of Elections not less than ten (10) days before the scheduled hearing date. A continuance shall not be granted unless the request, in the opinion of the Chairman of the Board, sets forth good and sufficient cause for the continuance. The availability of counsel shall not be considered good cause for a continuance. A continuance shall not be granted where the requested hearing date would extend beyond the statutorily mandated deadline for Board adjudication. No more than one continuance may be granted.



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Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Arielle A. Schneider, Policy Analyst
Date: May 21, 2018
Re: Stand By Your Ad Hearings – Factors to Consider

Suggested Motion

I move that the Board adopt the enclosed list of factors to consider when determining the appropriate penalty for a violation of Chapter 9.5 Stand by Your Ad.

Background

On March 23, 2018, the Department of Elections (ELECT) presented a proposed set of standard operating procedures to be used by ELECT in processing Stand By Your Ad complaints. The State Board of Elections approved the procedures unanimously, and asked ELECT to prepare proposed procedures for conducting Stand By Your Ad hearings, a memo outlining express advocacy, and a list providing factors for the Board to consider when determining the appropriate civil penalty to assign for a violation of Chapter 9.5.

To ensure the consistent adjudication of Chapter 9.5 Stand by Your Ad (SBYA) complaints, ELECT proposes this list of factors for consideration. If the Board adopts this proposal, the list will be incorporated into the Board's procedure for conducting Stand By Your Ad hearings.

Factors to Consider

In determining the appropriate civil penalty to assess for a violation of Chapter 9.5 Stand By Your Ad, the State Board of Elections shall consider all the surrounding circumstances including but not limited to:

1. The seriousness of the violation;
2. Whether the violation was deliberate, negligent or inadvertent;
3. Whether the violation was isolated or part of a pattern;
4. The presence or absence of any intention to conceal, deceive, or mislead;
5. Whether the violator demonstrated good faith by consulting advice;
6. Whether the violator has a prior record of violations;
7. Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.



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DEPARTMENT *of* ELECTIONS

Stand By Your Ad

May 21, 2018

State Board of Elections meeting



Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Arielle A. Schneider, Policy Analyst
Date: March 23, 2018
Re: Standard Operating Procedures for “Stand by Your Ad” Complaints

Suggested Motion

I move that the Board adopt the enclosed process for the Department of Elections’ handling of complaints alleging violations of Chapter 9.5 Stand by Your Ad.

Background

In preparation for upcoming campaign finance hearings, and to ensure consistent adjudication of Chapter 9.5 Stand by Your Ad (SBYA) complaints, the Department of Elections (ELECT) has prepared this standard operating procedure memo for your review.

Overview

ELECT reviews complaints for completeness and sufficiency, identifies allegations of SBYA violations and provides copies of the complaints to the SBE, confirms receipt, notices the accused sponsor of the complaint (and of the scheduled hearing date), schedules the hearing for an upcoming SBE meeting and notices sponsor, and prepares memos documenting staff recommendations in advance of the hearing.

Standard Operating Procedures

1. **ELECT receives complaint** via online complaint form, phone, email, or by mail
 - a. ELECT staff should forward the complaint or complainant to the appropriate ELECT staff member handling campaign finance, the day the complaint is received.
 - b. ELECT documents and enters information about the complainant, the accused sponsor, the nature of the alleged violation and the proposed hearing date into tracking system.

2. **ELECT reviews complaints for completeness and sufficiency**
 - a. Anyone may file a complaint with the State Board of Elections regarding possible violations of Virginia’s campaign finance laws.
 - b. To allege a violation of Chapter 9.5 (SBYA), a complaint must contain all of the following:
 1. The name of both the person bringing the complaint and the sponsor (person or party against whom allegations are made) *discussed 9/1/2015 SBE meeting.*
 2. Statement of the alleged violation, related to SBYA *discussed 10/6/2015 meeting.*
 3. Evidence, typically photographic *“in the case of print media, we typically require photographic evidence; in the case of radio or TV should identify the station and time aired”*
 - a. Criteria identified and proposed to the SBE 10/6/2015 include *“not anonymous, related to advertisement disclosure (phone calls, broadcast media: radio, TV, print media: newspaper, internet, yard signs, etc.), allegation is accompanied by evidence.”*
 - c. If the complaint is **incomplete**, ELECT staff will reach out to the complainant by phone or email to explain what elements are missing and provide the opportunity to provide any outstanding information to complete the request. ELECT staff will document the status of incomplete complaints and efforts to communicate with the complainant.



- d. If the complaint is **complete**, ELECT staff will review for **sufficiency**. The disputed conduct must allege a violation of Chapter 9.5 (SBYA).
 - i. If the disputed conduct does not allege a violation of Chapter 9.5 (SBYA), ELECT staff will provide notice of receipt but will recommend the Board takes no action. “The disclosure requirements of [Chapter 9.5] ... apply to any sponsor of an advertisement in the print media or on radio or television the cost of value of which constitutes an expenditure or contribution required to be disclosed” except for an individual who makes independent expenditures under certain amounts or to an individual incurring expenses related to a referendum. (The Code §24.2-955, **introduction to SBYA and scope of disclosure requirements.**)
 - ii. For violations of Chapter 9.3, the Code §24.2-946.3 requires that the Board (delegated to ELECT on 12/7/04) report any violations to the appropriate attorney for the Commonwealth.
3. **ELECT identifies allegations of SBYA violations and provides copies of the complaints to the SBE**
 - a. ELECT staff will review Chapter 9.5 SBYA complaints to determine the issues contained in it and establish when and how the matter should proceed.
 - b. Complaints alleging violations of Chapter 9.5 will be forwarded to the members of the SBE within one (1) week of receipt. *As directed by the SBE 6/27/2017.*
 - c. ELECT staff will also provide SBE with complaints regarding advertisements that do not violate SBYA, accompanied with staff’s reason for not scheduling an SBYA hearing.
 - i. Examples include complaint regarding text message conversation, which does not allege a violation of campaign finance law.
4. **ELECT confirms receipt, notices the accused sponsor of the complaint and includes a copy of the complaint submitted**
 - a. ELECT sends automated confirmation of receipt to complainant.
Draft language for “Notice of Receipt to Complainant”:
Thank you for submitting a complaint about a possible violation of Virginia campaign finance laws. The Department of Elections will review your documentation and provide you notice if the State Board of Elections chooses to hear this matter at a public hearing.
 - b. ELECT sends notice of receipt of complaint to the sponsor. ELECT includes a copy of the complaint filed against the sponsor. The notice of receipt may suffice if the notice contains all the information required to be provided to the sponsor as per §24.2-955.3 and as outlined in #6 below.
Draft language for “Notice of Receipt to Sponsor”:
This is a notice about a possible violation of Virginia’s Stand by Your Ad law (Chapter 9.5 of Title 24.2 of the Code of Virginia) by [name of committee]. A copy of the complaint filed is included herein. The State Board of Elections will hold a public meeting to determine whether a violation has occurred. [If staff have already scheduled the hearing, instead state “The State Board of Elections is holding a public meeting on [Date] at [Time] to determine whether a violation has occurred.”] You may attend and/or provide additional information to the Board that may be helpful in regarding this matter.
The Code of Virginia 24.2-955.3 provides the following:
 - A violation of Article 2 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$1,000; or (ii) in the case of a violation occurring within the 14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500.
 - A violation of Article 3 or 4 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$1,000 per occurrence; or (ii) in the case of a violation occurring within the



14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500 per occurrence. In no event shall the total civil penalties imposed for multiple broadcasts of one particular campaign advertisement exceed \$10,000.

- A violation of Article 5 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$2,500.

For more information, please visit the Department website:

<http://www.elections.virginia.gov/board>.

5. ELECT schedules the hearing for an upcoming SBE meeting

- If the complaint is filed outside the 30-day window prior to an election, ELECT staff schedules the hearing for the next available SBE meeting at which campaign finance complaints will be heard.
- Complaints filed more than 30 days before a primary or general election can be heard by the State Board prior to the election in question. Complaints filed 30 days or less before a primary or general election will be heard by the State Board at any meeting held after the election.

6. If notice of receipt did not also provide notice of hearing, ELECT notifies the accused and complainant of the scheduled hearing date

- No later than 14 days before a hearing, ELECT provides notice of allegation to accused sponsor of the date and time of the SBE meeting at which the violation will be heard. This correspondence will also include a copy of the complaint filed against the sponsor. Language includes the maximum penalties that may be assessed under 24.2-955.3.

- Attention: Accused is entitled to 10 days notice prior to the public hearing as per the Code §24.2-955.3.

- The complainant will be provided notice of the hearing and has the right to provide information to staff in advance of the meeting.

- Draft language for “Notice of Hearing to Sponsor”

This is a notice about a possible violation of Virginia’s Stand by Your Ad law (Chapter 9.5 of Title 24.2 of the Code of Virginia) by [name of committee]. The State Board of Elections is holding a public meeting on [Date] at [Time] to determine whether a violation has occurred.” You may attend and/or provide additional information to the Board that may be helpful in regarding this matter.

The Code of Virginia 24.2-955.3 provides the following:

- A violation of Article 2 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$1,000; or (ii) in the case of a violation occurring within the 14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500.
- A violation of Article 3 or 4 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$1,000 per occurrence; or (ii) in the case of a violation occurring within the 14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500 per occurrence. In no event shall the total civil penalties imposed for multiple broadcasts of one particular campaign advertisement exceed \$10,000.
- A violation of Article 5 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$2,500.

For more information, please visit the Department website:

<http://www.elections.virginia.gov/board>.

- Draft language for “Notice of Hearing to Complainant”

Thank you for submitting a complaint about a possible violation of Virginia campaign finance laws. The State Board of Elections is holding a public meeting on [Date] at [Time] to determine whether a violation has occurred.



7. ELECT prepares materials in advance of the meeting

- a. Materials will include the complaints filed, along with any evidence presented or follow-up information from either the accused or the complainant.
- b. Staff will prepare memorandums advising the Board of the Department's recommendation with regard to whether to find a violation and what penalty to assess.
- c. ELECT will provide these materials to the Board no fewer than seven (7) days before the hearing date.



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Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Arielle A. Schneider, Policy Analyst
Date: May 21, 2018
Re: Recommendations for Stand By Your Ad May 21, 2018

PRINT MEDIA

1. Bart Randall

ELECTION TYPE Stafford County School Board; November 7, 2017
Yard signs (1 sign in evidence, two reported at polling locations, throughout the county)

SPONSOR TYPE Candidate/Candidate Campaign

DISCLOSURE required

DISCLOSURE missing

Recommended Motion: I move, subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find Bart Randall in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to four advertisements, and is hereby fined \$400.”

2. Cheryl Turpin

ELECTION TYPE Delegate, Virginia Beach; November 7, 2017
Yard signs

SPONSOR TYPE Candidate/Candidate Campaign

DISCLOSURE required

DISCLOSURE incomplete ; references another candidate (Rocky Holcomb) so must include either “Authorized by [candidate name], candidate for [name of office]” OR “Not authorized by any candidate.”

Recommended Motion: I move, subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find Cheryl Turpin in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to two advertisements, and is hereby fined \$200.



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3. Elizabeth Guzman

ELECTION Delegate, PWC; November 7, 2017
TYPE Mailings
SPONSOR TYPE Candidate/Candidate Campaign
DISCLOSURE required
DISCLOSURE missing
\$50/violation
Mailings (photos in evidence)

Recommended Motion: I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Elizabeth Guzman in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to an advertisement, and is hereby fined \$50.

4. Friends of Team Manassas

ELECTION Manassas City Council; November 8, 2016
TYPE Mailings
SPONSOR TYPE Other Committee
DISCLOSURE required
DISCLOSURE missing
"Friends of Team Manassas Mailer 10-29-2016"

Recommended Motion: I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Friends of Team Manassas in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to an advertisement, and is hereby fined (SBE discretion).

5. Hannah Rishaq

ELECTION Delegate, Primary; June 13, 2017
TYPE Flyer
SPONSOR TYPE Candidate/Candidate Campaign
DISCLOSURE required
DISCLOSURE missing
\$100/violation (doubled due to proximity to the election)

Recommended Motion: I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Hannah Rishaq in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to an advertisement, and is hereby fined \$100.



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6. Joan Ziglar

ELECTION TYPE Martinsville Commonwealth’s Attorney; November 7, 2017
SPONSOR TYPE Candidate/Candidate Campaign
DISCLOSURE not required
DISCLOSURE no express advocacy (only distributed one side of postcard)

Recommended Motion: I move, subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find Joan Ziglar not in violation of Virginia’s campaign finance Stand By Your Ad laws.

7. National Right to Work

ELECTION TYPE Gubernatorial race; November 7, 2017
SPONSOR TYPE Other committee
DISCLOSURE not required
No express advocacy in the letter; not subject to SBYA

Recommended Motion: I move, subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find National Right to Work committee not in violation of Virginia’s campaign finance Stand By Your Ad laws.

8. Ned Gallaway

ELECTION TYPE Albemarle County Board of Supervisors; November 7, 2017
SPONSOR TYPE Candidate/Candidate Campaign
DISCLOSURE required
DISCLOSURE missing
\$100/violation (doubled due to proximity to election)
Sign (8 signs in evidence) [48 signs total]

Recommended Motion: I move, subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find Ned Gallaway in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to 48 advertisements, and is hereby fined (SBE).



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9. Pulaski County Citizens for an Informed Community

ELECTION TYPE Referendum (middle school); November 7, 2017
SPONSOR TYPE Yard signs (and newspaper advertisements)
other committee
DISCLOSURE required
DISCLOSURE missing – on yard signs
missing – authorization statement missing on sample ballot (did not replace EB)
\$100/violation (doubled due to proximity to election)
Signs (unknown number) + newspaper ads

Recommended Motion: I move, subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find Pulaski County Citizens for an Informed Community in violation of §24.2-956 Stand By Your Ad print media disclosure requirements, and is hereby fined \$600.

10. Schleeper for City Council

ELECTION TYPE Chesapeake City Council; May 1, 2018
SPONSOR TYPE Yard signs (Throughout the county)
Candidate/Candidate Campaign
DISCLOSURE required
DISCLOSURE missing
\$100/violation (doubled due to proximity to election)
Signs (four reported)

Recommended Motion: I move, subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find Schleeper for City Council in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to an unknown number of advertisements, and is hereby fined \$400.

11. Tim McPeters for Commissioner of the Revenue

ELECTION TYPE Chesterfield County Commissioner of Revenue, November 7, 2017
SPONSOR TYPE Yard signs (Throughout the county)
Candidate/Candidate Campaign
DISCLOSURE required
DISCLOSURE present

Recommended Motion: I move, subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find Tim McPeters not in violation of Stand By Your Ad print media disclosure requirements.



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12. VA Gov Facts

ELECTION TYPE Gubernatorial race, November 7, 2017
SPONSOR TYPE Facebook ad
DISCLOSURE other (unknown)
DISCLOSURE not required: express advocacy issue*

Recommended Motion: I move, subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find Va Gov Facts not in violation of Stand By Your Ad print media disclosure requirements.

13. Virginia Freedom Caucus

ELECTION TYPE Primary for 29th District, House of Delegates (R); June 13, 2017 mailings and emails
SPONSOR TYPE (Virginia Freedom Caucus has not registered as a PAC)
DISCLOSURE required
DISCLOSURE insufficient under 24.2-956.1

In an advertisement supporting or opposing the nomination or election of one or more clearly identified candidates, the sponsor states whether it is authorized by a candidate. The visual legend in the advertisement shall state either “Authorized by [name of candidate], candidate for [name of office]” or “Not authorized by a candidate.”

\$100/violation (doubled due to proximity to election) (I believe should be doubled due to circumstances and electioneering content of the ads.)

Mailings (evidence provided for two mailings; another email reported)

Recommended Motion: I move, subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find Virginia Freedom Caucus in violation of §24.2-956.1 Stand By Your Ad print media disclosure requirements with regard to three advertisements, and is hereby fined (SBE discussion).

TELEVISION

(both pending evidence re. whether, where, when ads were broadcasted)

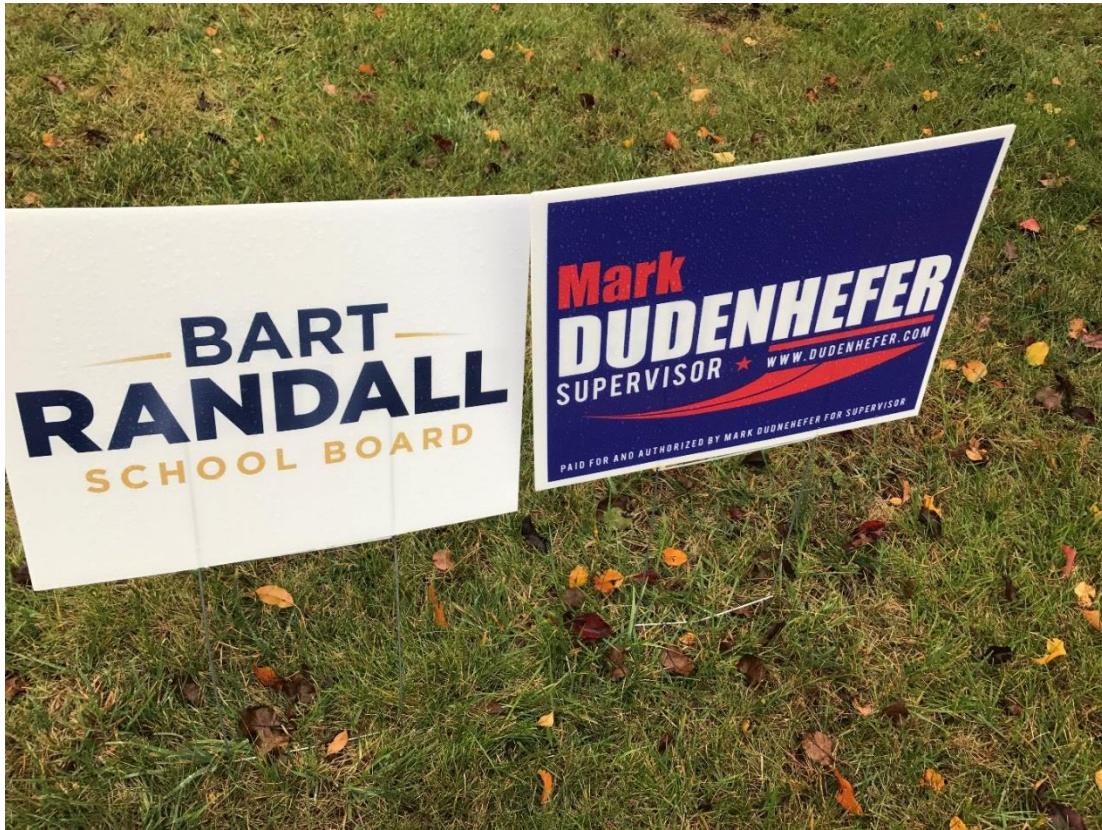
Gubernatorial race, November 7, 2017

1. Gillespie for Governor
2. Northam for Governor

Print Media

1. Bart Randall
2. Cheryl Turpin
3. Elizabeth Guzman
4. Friends of Team Manassas
5. Hannah Rishaq
6. Joan Ziglar
7. National Right to Work
8. Ned Gallaway
9. Pulaski County Citizens for an Informed Community
10. Schleeper for City Council
11. Tim McPeters for Commissioner of the Revenue
12. VA Gov Facts
13. Virginia Freedom Caucus

1. Bart Randall for School Board





RECOMMENDATION: Bart Randall

ELECTION	Stafford County School Board; November 7, 2017
TYPE	Yard signs (Throughout the county)
SPONSOR TYPE	Candidate/Candidate Campaign
DISCLOSURE	<u>required</u>
DISCLOSURE	<u>missing</u>

\$100/violation (doubled due to proximity to election)

Sign (photos in evidence) + signs (at polling places) + signs (throughout County)

Recommended Motion: I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Bart Randall in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to four advertisements, and is hereby fined \$400."

2.

Cheryl Turpin for Delegate

RACIST
ROCKY
HOLCOMB
REPUBLICAN FOR DELEGATE
FIGHTING FOR CORPORATIONS


VOTE
HIM
OUT
NOV. 7

Learn more at www.RockyHolcombForDelegate.com

Paid for and Authorized by Cheryl Turpin for VB.
Printed in-house, labor donated.

ROCKY'S RACIST AD

ROCKY EDITED TO BE DARKER¹




Other States Currently Have Parole and It's a Nightmare

Police: Convicted rapist out on parole attacked 7-year-old girl
A convicted rapist has been arrested and charged with sexually assaulting a 7-year-old girl, just six weeks after he was released from prison, authorities said. ROCKY.COM 8/23/17

ACTUALLY COMMITTED BY A WHITE GUY IN KANSAS

ROCKY'S HATE GROUP



LEADER OF A LOCAL HATE GROUP, SCOTT RYAN PRESLER²

YOUR DELEGATE, ROCKY HOLCOMB

VOTE OUT ROCKY HOLCOMB ON TUESDAY, NOV. 7

1. Getty Images
2. Southside Daily, 8/24/2017

May 17, 2018

Jonathan S. Berkon
JBerkon@perkinscoie.com
D. +1.202.434.1669
F. +1.202.654.9684

Chairman James B. Alcorn
Virginia State Board of Elections
Washington Building, First Floor
1100 Bank Street
Richmond, Virginia 23219

Re: Stand by Your Ad Complaint (Reference # 1595136)

Dear Chairman Alcorn:

We write as counsel to Cheryl Turpin, in response to a Stand By Your Ad complaint (“Complaint” herein) filed against her in 2017. For the reasons detailed below, the State Board of Elections (the “State Board”) should dismiss the Complaint against Ms. Turpin.

Cheryl Turpin was elected to the Virginia House of Delegates on November 7, 2017, representing House District 85 in Virginia Beach.¹ According to the Complaint filed by her opponent, Mr. Rocky Holcomb, a “series of print media was placed in African American neighborhoods in the district I represent calling me a racist. My name Rocky was crossed out and the word racist inserted.”² The Complaint alleges no additional facts or alleged violations of law, but does include images of the printed advertisement at issue. The bottom of the advertisement includes the following written disclaimer: “Paid for and authorized by Cheryl Turpin for VB.”³

In order to file a valid Stand By Your Ad complaint with the state of Virginia, a complainant must (i) provide a “Detailed Description of [the] Violation” and (ii) “provide some kind of evidence supporting the complaint.”⁴ Once a Stand By Your Ad complaint has been filed, the State Board will then “in a public hearing...determine whether to find a violation [of Virginia’s disclaimer requirements] ...and to assess a civil penalty.”⁵

¹ 2017 November General Official Results, Va. Dep’t of Elections, *available at* <https://results.elections.virginia.gov/vaelections/2017%20November%20General/Site/GeneralAssembly.html> (last accessed May 15, 2018).

² Stand By Your Ad Complaint, Reference # 1595136.

³ *Id.*

⁴ Stand By Your Ad Complaint Form, Va. Dep’t of Elections, *available at* <https://fs28.formsite.com/vaelect/sbya/index.html> (last accessed May 15, 2018).

⁵ Va. Code Ann. § 24.2-955.3(D).

For “print media” advertisements that are sponsored by a candidate’s campaign committee,⁶ Virginia requires the ad to include the statement “Paid for by [Name of candidate or campaign committee].”⁷ If the print media advertisement “makes reference to any other clearly identified candidate who is not sponsoring the advertisement, the sponsor shall state whether it is authorized by the candidate not sponsoring the advertisement” by either including “Authorized by [Name of candidate], candidate for [Name of office]” or “Not authorized by any other candidate.”⁸

However, state law makes clear that “[i]t shall not be deemed a violation of this chapter if the contents of the disclosure legend or statement convey the required information.”⁹ In fact, in the past, a State Board staff member has recommended no violation of Stand By Your Ad when a candidate’s campaign committee only included “sponsored by [name of candidate’s campaign committee]” on a print media advertisement rather than the exact above language, concluding the candidate was in “substantial compliance” with the law.¹⁰

As an initial matter, the Complaint failed to adequately describe a violation of campaign finance law or disclaimer requirements, rendering it procedurally deficient.¹¹ A Stand By Your Ad complaint must provide a “Detailed Description of [the] Violation” at issue,¹² yet, in this instance, the Complaint merely described the content of the print advertisement and alleges no actual violation of law.¹³ Unfortunately for the complainant, calling someone a “racist” is not a campaign finance violation and does not substantiate a Stand By Your Ad complaint under Virginia law.

Moreover, the print advertisement at issue substantially complies with Virginia disclaimer requirements by clearly indicating the ad was “Paid for and authorized by Cheryl Turpin for

⁶ “Print media” is defined as “billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail, yard signs, and outdoor advertising facilities. If a single print media advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this section applies only to one page, fold, or face.” Va. Code Ann. § 24.2-955.1.

⁷ Va. Code Ann. § 24.2-956(1).

⁸ *Id.* § 24.2-956(2).

⁹ *Id.* § 24.2-955.3(E).

¹⁰ See November 16, 2015 Supporting Documents for Campaign Finance Violations at 3, Va. Dep’t of Elections Board Meeting Archive, available at

<https://www.elections.virginia.gov/Files/Media/Agendas/2015/20151116SupportingDocuments-Violations.pdf>

(“...the pamphlet and the email sent on September 7, 2015 both bear the legend “sponsored by Vote Sara Ward.” The phrase “sponsored by Sara Ward” seems to convey the same information as “paid for by Sara Ward” or “authorized by Sara Ward” would. Conclusion: Because they are in substantial compliance, the pamphlet and the email of September 7, 2015 should not be considered to have been in violation of Stand by Your Ad.”).

¹¹ Stand By Your Ad Complaint, *supra* note 2.

¹² Complaint Form, *supra* note 4.

¹³ Stand By Your Ad Complaint, *supra* note 2.

VB.”¹⁴ Additionally, because Mr. Holcombe is identified as a “Delegate” on both sides of the printed advertisement, it was clear to readers that Ms. Turpin was running for the Virginia House of Delegates.¹⁵ Given the previous conclusion by State Board staff when considering a similar printed advertisement and disclaimer, Ms. Turpin substantially complied with Virginia law in this instance by (i) identifying the sponsor of the advertisement, (ii) confirming the advertisement was authorized by her campaign committee, and (iii) making clear references to the office she sought throughout the ad.

For the reasons detailed above, the State Board should dismiss the Complaint against Ms. Turpin, as the Complaint is procedurally deficient and the printed advertisement at issue substantially complies with the disclaimer requirements under Virginia law.

Sincerely,



Jonathan S. Berkon
Courtney T. Weisman
Counsel to Cheryl Turpin

¹⁴ *Id.*

¹⁵ *Id.*



Clemons, Nikki <nikki.clemons@elections.virginia.gov>

Del. Cheryl Turpin

Trevor Southerland <trevor@vahousedems.org>

Fri, May 11, 2018 at 12:00 PM

To: "Schneider, Arielle" <arielle.schneider@elections.virginia.gov>

Cc: Nikki Clemons <nikki.clemons@elections.virginia.gov>, Dave Nichols <dave.nichols@elections.virginia.gov>

Thanks very much!

Trevor Southerland
Sent from my phone

On Fri, May 11, 2018, 11:57 AM Schneider, Arielle <arielle.schneider@elections.virginia.gov> wrote:

Trevor,

The Board will evaluate Delegate Turpin's advertisements under the print media advertisement requirements provided in the Code of Virginia 24.2-956 (and if appropriate, 24.2-956.1). Apologies for misunderstanding your earlier inquiry!

I should also note that if Delegate Turpin is unable to attend the hearing, she can submit a statement or send a representative. I hope this helps - let me know if I can provide any additional clarification or assistance.

Sincerely,
Arielle Schneider

On Thu, May 10, 2018 at 11:31 AM, Trevor Southerland <trevor@vahousedems.org> wrote:

Hi Arielle,

I completely understand that policy and I'm not asking for additional comment.

The complaint states: "A series of print media was placed in African American neighborhoods in the district I represent calling me a racist. My name Rocky was crossed out and the word racist inserted."

I do not see a section of code mentioned, or anything even referencing a section of code or even an allegation of any violation.

Can you tell me what section of code the Board is using to evaluate that complaint?

As I mentioned, Del. Turpin would like to respond, but is unsure of what to respond to as there's no complaint or code to reference.

Thanks again,

- ts

--

Trevor M. Southerland
Executive Director
Virginia House Democrats

Mobile: 678-938-4550

LinkedIn: www.linkedin.com/in/trevorsoutherland

On Wed, May 9, 2018 at 4:41 PM, Schneider, Arielle <arielle.schneider@elections.virginia.gov> wrote:

Trevor,

Beyond providing you copies of the complaint and evidence filed against Delegate Turpin, and answering any other questions you may have, ELECT cannot provide additional comment on a matter pending before the State Board of Elections.

Sincerely,
Arielle Schneider

On Wed, May 9, 2018 at 4:05 PM, Trevor Southerland <trevor@vahousedems.org> wrote:

Thank you very much.

Under "detailed description of violation" I don't actually see an accusation of a violation.

Is a hearing necessary when there isn't an actual accusation?

I know Del. Turpin would like to respond but without an actual complaint to respond to, that's difficult.

Thanks!

Trevor Southerland
Sent from my phone

On Wed, May 9, 2018, 2:09 PM Schneider, Arielle <arielle.schneider@elections.virginia.gov> wrote:

Good afternoon Trevor,
Copies of the complaint and evidence were sent by certified mail on Monday, May 9, to the address indicated in the SOO for the sponsor. Please see attached electronic copies of the same.

Thank you,
Arielle Schneider

On Wed, May 9, 2018 at 7:32 AM, Trevor Southerland <trevor@vahousedems.org> wrote:

Good morning,

Del. Cheryl Turpin was sent notice of a possible violation of Virginia's Stand by Your Ad law but did not receive the actual complaint via email.

Could you possibly email me the complaint and any evidence so that the Delegate might respect to the board prior to it's May 21 meeting?

Thank you very much.

- ts

--

Trevor M. Southerland
Executive Director
Virginia House Democrats

Mobile: 678-938-4550
LinkedIn: www.linkedin.com/in/trevorsoutherland

--

Arielle A. Schneider
Chief FOIA Officer and ELECT Policy Analyst
Virginia Department of Elections
o: (804) 864-8933
f: (804) 371-0194

Department of Elections Email 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. Please 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.

--

Arielle A. Schneider
Chief FOIA Officer and ELECT Policy Analyst
Virginia Department of Elections
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f: (804) 371-0194

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RECOMMENDATION: Cheryl Turpin

ELECTION	Delegate, Virginia Beach; November 7, 2017
TYPE	Yard signs
SPONSOR TYPE	Candidate/Candidate Campaign
DISCLOSURE	<u>required</u>
DISCLOSURE	<u>incomplete</u> ; references another candidate (Rocky Holcomb) so must include either “Authorized by [candidate name], candidate for [name of office]” OR “Not authorized by any candidate.”

\$100/violation (doubled due to proximity to election)

Sign (photos in evidence) + intent behind sign for increased penalty

Recommended Motion: I move, subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find Cheryl Turpin in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to two advertisements, and is hereby fined \$200.

3.

Elizabeth Guzman for Delegate

DEMOCRAT
**ELIZABETH
GUZMAN**



FOR DELEGATE ★ DISTRICT 31



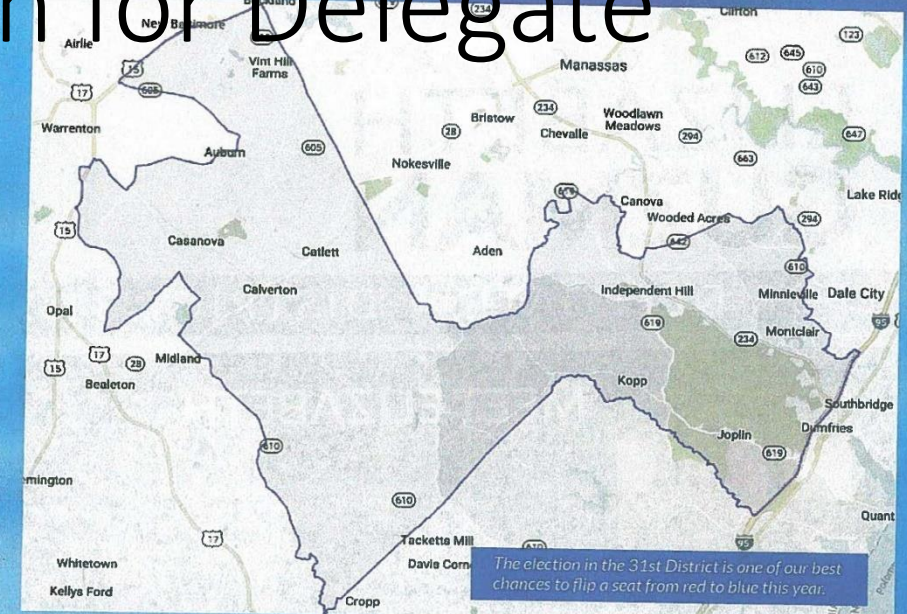
MEET ELIZABETH

Elizabeth Guzman immigrated to America from Peru as a single mother looking for a better future for her daughter. At first she juggled three jobs, just to afford a one-bedroom apartment, buy a used car, work, persevere, and dedication she was able to put her self through college and graduate school. After achieving the American Dream, she now wants to help others do the same, providing vital service programs as a Social Worker and Public Administrator for the City of Alexandria.

Elizabeth has lived in Prince William County for 15 years, she and her husband Carlos have raised four wonderful children and been active members of this community.

Elizabeth's Plan for the 31st District

- ★ **Improving Our Schools** As a mother of four children in public schools, Elizabeth understands the challenges facing our schools. As our Delegate, she'll work to reduce class sizes, end stringent SOL requirements, and increase funding for early childhood education programs like Head Start.
- ★ **Ensuring Affordable, Accessible Healthcare** Elizabeth is committed to fighting through the partisan politics that has left 400,000 Virginians without access to critical healthcare and working to expand Medicaid in our state.
- ★ **Raising the Minimum Wage** Elizabeth will work to expand the minimum wage so that no hard-working Virginian has to struggle to put food on the table.
- ★ **Giving a Voice to the Voiceless** Elizabeth is running to bring diversity to Richmond and give a voice to the myriad of minority communities--in the 31st District and across the state--who feel that their leadership does not represent them. As the first Hispanic woman in the Virginia State Assembly, she will stand up to those who divide us because our diversity is something to be embraced, not disrespected.



We Can Win This Swing District

The 31st District is a prime target for Democrats. It lies mostly in Prince William County and parts of Fauquier County, areas of Northern Virginia that have been growing increasingly Democratic.

When those Democrats turn out to vote, we win. In the three most recent statewide elections, the Democrat won this district every time (Herring, Northam, and McAuliffe). In the last gubernatorial year election, the Democratic candidate came within 228 votes of unseating Republican incumbent Scott Lingamfelter. Even in the much lower turnout off-year election in 2015, the Democrat came within 1219 votes of beating the incumbent.

In a year when Democrats are being confronted with consequences of lost elections, we believe a bold candidate like Elizabeth who speaks directly to their issues will win this key race.

(508) 737-5479 /ElizabethGuzmanVA @Guzman4Delegate

Elizabeth@ElizabethGuzmanForVirginia.com

Guzman for Delegate | PO Box 1818 | Woodbridge, VA 22195

Support our campaign on **ActBlue** by searching Elizabeth Guzman

From the Desk of Bob Watson

6093 Spindle Tree Ct.
Woodbridge, VA 22193

March 2nd, 2017

Edgardo Cortés
Commissioner, Virginia Department of Elections
Virginia Department of Elections
Washington Building
1100 Bank Street, First Floor
Richmond, VA 23219

Dear Commissioner Cortés,

As a representative of the Republican Party State Central Committee from the 1st Congressional District, and as a registered voter in good standing in the Virginia House of Delegates 31st District of the Virginia General Assembly, I am filing an official complaint against two announced candidates for the 31st District House of Delegates election. One candidate, Ms. B. J. Brown of Nokesville, Virginia is seeking the Republican nomination. She has violated numerous requirements for a candidate for public office as defined in the Code of Virginia. The second candidate, Ms. Elizabeth Guzman is a Democrat candidate and has violated one specific requirement of the Code of Virginia, possible many times over.

First, the law requires Ms. Brown to file a campaign Statement of Organization within 10 days of meeting certain conditions specified in §24.2-947.1. Per the enclosed email from the Prince William County Republican Committee Chairman, Dottie Miller, Ms. Brown presented her with the attached print media campaign card on February 8th, 2017 at the Republican Headquarters in Prince William. This was an act of “campaigning” that constituted an “expenditure of any funds” given production of the card would have required a financial source of some kind. As such, the law required Ms. Brown to file her Statement of Organization “within 10 days” as specified in Section A (2) §24.2-947.1. She failed to comply with this section of the code until March 1st, 2017, the date indicated on her attached Statement of Organization. As you know, there is a civil penalty not to exceed \$500 for the failure to file the required Statement of Organization in accordance with § 24.2-953.1 of the Code of Virginia. In the case of a late filing of the Statement of Organization, there is a civil penalty not to exceed \$500 in accordance with § 24.2-953.2. Ms. Brown has broken both of these laws by exceeding the campaign 10-day window and filing the form late.

Second, on inspection, you will note that there are material errors on her Statement of Organization, including a failure to provide her residential address, rather a Post Box Address. Moreover, she failed to check the box certifying that she is currently registered to vote in the

From the Desk of Bob Watson

6093 Spindle Tree Ct.
Woodbridge, VA 22193

indicated address. Additionally, Ms. Brown is serving as her own treasurer, yet in that section of the Statement of Organization, she lists the Treasure's residence as the address of the US Post Office in Nokesville, Virginia. Again, she failed to check the box certifying that she is currently registered to vote in the indicated address. It is possible that she failed to do so because she knew both were not her residences as the Statement of Organization clearly requires. If this is the case, her entries constitute a "willfully false material statement of entry" as noted in §24.2-1016 and punishable as a Class 5 Felony.

Third, examining Ms. Brown's campaign card, you will note the absence of any statement as required in §24.2-956 noting that the card was "Paid for by _____ [Name of candidate or campaign committee]." This statement must appear on all campaign "print media" which includes a "card" as defined in §24.2-955.1 of the Code of Virginia. She has continued to pass out the same illegal card since February 8th, 2017. Indeed, on February 27th, 2017 Ms. Brown appeared at a meeting of the Prince William County Republican Committee where I was present, introduced herself to Committee members as a candidate for the 31st House of Delegates seat, and continued to hand out copies of the same illegal print media campaign card. At a minimum, and unless otherwise covered by a civil penalty, a violation of this section could be punished under §24.2-1017 as a Class 1 misdemeanor.

Finally concerning Ms. Brown, you will note the use of the Seal of the Commonwealth on her card. As I read §1-505 of the Code of Virginia, the seal is "the property of the Commonwealth; and no persons shall exhibit, display, or in any manner utilize the seals or any facsimile or representation of the seals of the Commonwealth for nongovernmental purposes unless such use is specifically authorized by law." A violation of this section is punishable "by a fine of not more than \$100, or by imprisonment for not more than 30 days or both." While the seal used in this case appears to be one from a picture of the Flag of the Commonwealth, nonetheless it was cropped in a way to make the use of that seal appear prominent and not simply that of a flag. I suggest to you that her intent was to appropriate the seal in a standalone manner which is illegal on campaign material.

Concerning the violation by Ms. Guzman, on February 21st, 2017 her campaign mailed a businessman in Prince William County seeking support for her candidacy. The attached mail piece, including the envelope, the cover letter, and the enclosed campaign flier, all lack any disclosure statement as required in §24.2-956 noting that the materials were "Paid for by _____ [Name of candidate or campaign committee]." This statement must appear on all campaign "print media" which includes "printed material disseminated through the mail" as defined in §24.2-955.1 of the Code of Virginia. I believe that this requirement would have been met had any of the three enclosures bore the disclosure statement required by the section. None of them did. Moreover, had there been other mailings of this material, a likely circumstance, each of the mailings if occurring on separate days, would have constituted a separate and distinct violation. I am unaware of any additional violations beyond this one, but this should be an area of inquiry. Again, at a minimum, and unless otherwise covered by a civil

From the Desk of Bob Watson

6093 Spindle Tree Ct.
Woodbridge, VA 22193

penalty, a violation of this section could be punished under §24.2-1017 as a Class 1 misdemeanor.

In both cases, the State Board of Elections is required, pursuant to § 24.2-946.3, to report these violations to the appropriate Commonwealth's Attorney. If the candidate is a candidate for the General Assembly, the violation is to be reported to the Commonwealth's Attorney of the county or city of the candidate's residence. Therefore, I am asking you to investigate these clear violations of the law by both candidates including appropriate penalties that may be warranted and notify the Prince William Commonwealth Attorney of your findings.

No doubt some will claim these are minor infractions by inexperienced candidates for public office and do not warrant either investigation or punishment. Nonetheless, these are a violation of the election law and both candidates should be held accountable. If these persons want to serve in the General Assembly and make the law, then they should begin by obeying applicable campaign laws. In both cases, they are clearly not following the Code of Virginia.

Thank you for your attention to this matter. Please advise me of any action you will take in this matter as soon as possible. Also, please be advised that I am copying this correspondence to my local Commonwealth Attorney where both candidates reside.

Sincerely,



Robert A. Watson

Copy Furnished:

W. Michael Phipps, Deputy Commonwealth's Attorney
Prince William County Office of the Commonwealth's Attorney

Attachments

1. Email from Dottie Miller
2. Print Media Campaign Card
3. Brown Statement of Organization
4. Guzman Campaign Mailer (envelope, cover letter, campaign flier)

April __, 2017

Via E-Mail and FedEx

Edgardo Cortés
Commissioner, Virginia State Board of Elections
1100 Bank Street
Washington Building - First Floor
Richmond, VA 23219-3947

Re: Compliance with Campaign Finance Laws by Elizabeth Guzman for Delegate

Dear Counsel:

The Elizabeth Guzman for Delegate Committee (“Committee”) is in receipt of a complaint filed with the Virginia State Board of Elections by Robert A. Watson (“Watson”). Watson alleges that the Committee failed to comply with the statutory requirement that candidate campaign committee communications must include a disclaimer that states the name of the candidate or campaign committee that paid for the communication. The Committee has substantially complied with the disclaimer requirement and has strictly complied with the requirement since it became aware of the potential issue.

I. The Committee Substantially Complied with the Notification Requirement

The statute states, in relevant part:

It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media advertisement that constitutes an expenditure or contribution . . . unless [i]t bears the legend or includes the statement: “Paid for by [Name of candidate or campaign committee].” Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement “Paid for by [Name of sponsor]” may be replaced by the statement “Authorized by [Name of sponsor].”¹

Watson alleges that on February 21, 2017, a businessman in Prince Williams County received

¹ VA Code Ann. § 24.2-956(1).

mailed communications from the Committee that did not include the “paid for by” disclaimer. Watson Compl at 2. The communications in question included a disclaimer that read “Guzman for Delegate” at the bottom of the second page of a campaign mailer and at the bottom of a campaign letter.

Although the disclaimer did not include “paid for by”, it is evident that the Committee itself paid for the advertisement. The mailer makes no reference to any other clearly identified candidate. The mailer and letter leave no reasonable inference that an entity other than the Committee paid for or authorized the advertisements. It uses phrases like “We Can Win This Swing District” and “Support our campaign.” As such, any recipient was well aware that the Committee paid for the communications. Accordingly, the Committee substantially complied with the statute.

II. Any Failure to Comply Was *De Minimis*

Watson points to one instance where Committee did not include either the words “paid for by” or “authorized by” in a printed campaign communication. There is no evidence that this omission was a systemic issue, nor that the Committee has failed to take corrective measures. Additionally, as mentioned above, there is no other reasonable interpretation for the advertisements than their authorization and payment by the Committee. Accordingly, the omission of two to three words could not have injured the public’s informational interest.

Unlike seasoned politicians who are able to fundraise copious sums to ensure compliance with the letter of the law with exact precision, Elizabeth Guzman is new to the political scene and operating with limited campaign funds. The piece in question was “positive” -- it entirely promoted Ms. Guzman and presented no scurrilous information about any other candidate, again providing the public with no reason to doubt it was indeed her campaign that was making the communication.

For the reasons set forth above, the Committee has at the very least substantially complied with the statute. Accordingly, the Virginia State Board of Elections should find no violation and dismiss the complaint without penalty and without referring it to the Prince William Commonwealth Attorney’s office, thereby preventing the use of county and state resources on a frivolous complaint.

Should you have any questions, please do not hesitate to contact us. We look forward to hearing from you.

Sincerely,

Elizabeth Guzman for Delegate

RECOMMENDATION: Elizabeth Guzman

ELECTION	Delegate, PWC; November 7, 2017
TYPE	Mailings
SPONSOR TYPE	Candidate/Candidate Campaign
DISCLOSURE	<u>required</u>
DISCLOSURE	<u>missing</u>

\$50/violation

Mailings (photos in evidence)

Recommended Motion:

I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Elizabeth Guzman in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to an advertisement, and is hereby fined \$50.

4.

Friends of Team Manassas

Delivering Real Results for Manassas TEAM MANASSAS Their *OPPONENTS*

**Jon Way, Ian Lovejoy,
Theresa Coates-Ellis
& Russ Harrison**

- ✓ **A record of fully funding our schools and first responders while respecting taxpayer dollars.**
- ✓ **A record of working with parents and teachers to improve our schools.**
- ✓ **A record of improving local transportation and walkability in Manassas:**
 - Fought for and secured federal transportation funding for our City.
 - Restored commuter-parking cuts.
 - Added a fifth lane to Centreville Road, reducing congestion.
 - Built the overpass over Wellington Road.
 - Widened Prince William Street, including adding bike paths.
 - Secured NVT A funding to help reduce congestion along Rt. 28.
 - Support planning for BI-County Parkway.
- ✓ **A record of honest and transparent leadership:**
 - Working actively with citizens for common-sense solutions.
 - Passing ethic reforms.
 - Creating a more open and transparent government.

**Pam Sebesky, Mark Wolfe,
Patricia Richie-Folks
& Rex Parr**

VOTE NO on Nov. 8

- ✗ **Support raising taxes on working families.**
- ✗ **Failed to work with parents and teachers to bring transparency and accountability to our schools.**
- ✗ **No plan for fixing our transportation problems.**
- ✗ **No plan for supporting our police and first responders.**
- ✗ **Councilmember Mark Wolfe has a record of using taxpayer dollars for his own personal interests.**
He failed to properly disclose his financial interest in the Manassas Ballet Company and even refused to remove himself from a vote that would bring taxpayer funds to the company.

Print Std.
US POSTAGE
PAID
Woodbridge, VA
Permit 150

OR CURRENT RESIDENT

**VOTE FOR THE CANDIDATES
WITH PROVEN RECORD OF RESULTS!**

✓ Ian Lovejoy ✓ Theresa Coates-Ellis ✓ Jon Way ✓ Russ Harrison

TeamManassas.com

TEAM MANASSAS

MANASSAS CITY ELECTION 2016

Delivering Real Results For Manassas

Proven Record of Results!

Jon Way Theresa Coates-Ellis Ian Lovejoy Russ Harrison

NO RECORD OF RESULTS!

For More Information, Visit: www.TeamManassas.com Paid for and Authorized by Friends of Team Manassas.

WELCOME

TEAM MANASSAS

Jon Way - Ian Lovejoy - Theresa Coates Ellis - Russ Harrison

VOTE NOVEMBER 8, 2016



Delivering Real Results for Manassas

Jon Way, Ian Lovejoy, Theresa Coates Ellis & Russ Harrison

✓ A record of fully funding our schools and first responders while respecting taxpayer dollars.

✓ A record of working with parents and teachers to improve our schools.

Demand greater accountability and transparency from our School Board.

✓ A record of improving local transportation and walkability in Manassas:

Fought for and secured federal transportation funding for our City

Restored commuter-parking cuts

Added a fifth lane to Centerville Road, reducing congestion

Built the overpass over Wellington Road

Widened Prince William Street, including adding bike paths

Secured NVTIA funding to help reduce congestion along Rt. 28

✓ A record of honest and transparent leadership

Working actively with citizens for commonsense solutions

Passing ethics reforms

Creating a more open and transparent government

Pam Sebesky, Mark Wolfe, and Rex Parr

✗ Support raising taxes on working families.

✗ Failed to work with parents and teachers to bring transparency and accountability to our schools.

✗ No plan for fixing our transportation problems.

✗ No plan for supporting our police and first responders.

✗ Councilmember Mark Wolfe has a record of using taxpayer dollars for his own personal interests.

He failed to properly disclose his financial interest in the Manassas Ballet Company and even refused to remove himself from a vote that would bring taxpayer funds to the company.

What's the
SCARIEST thing
this Halloween?

How much
Rex Parr
Pam Sebesky &
Mark Wolfe
Want **YOUR** money!

Paid for and Authorized by Friends of Team Manassas

Friends of Team Manassas
PO Box 4
Manassas, VA 20108

Chilling Questions

Can you and your family afford
higher taxes?

If not, what are you willing to
give up to pay for the Rex/
Pam/Mark big spending plans
for the city?

www.TeamManassas.com



The TODD Household
or current resident
9520 Geist Ct
Manassas, VA 20110



Team Manassas- Getting Results

45 views

0 likes 0 dislikes SHARE



Elect Team Manassas
Published on Oct 14, 2016

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This November vote for the team with the record of getting results for Manassas.

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0 Comments SORT BY



Add a public comment...



Re-elect Ian Lovejoy For Manassas City Council shared
Elect #TeamManassas's video.

October 31 at 12:43pm · 🌐

Vote Team Manassas November 8Th!



3,642 Views

Elect #TeamManassas

October 31 at 12:19pm · 🌐

Like Page

On Tuesday, November 8th, vote for the only Team that puts the interests of Manassas before partisan politics.

Share and spread the word if you're voting for Ian Lovejoy, Theresa Coates Ellis, Jon Way, and Russ Harrison for Manassas City Council!

Like

Comment

Share



9



Schneider, Arielle <arielle.schneider@elections.virginia.gov>

Friends of Team Manassas SBYA Complaint Follow-Up

Stephen Hersch <stephen.hersch@gmail.com>

Sat, May 5, 2018 at 12:50 PM

To: "Schneider, Arielle (ELECT)" <Arielle.Schneider@elections.virginia.gov>

Hi Arielle,

Hope you're well. It was good to speak with you yesterday, and thanks again for the follow-up.

As discussed, attached is the verbatim transcript of the portion of the SBE 6/27/2017 meeting that dealt with the complaints against Awareness Manassas PAC and Friends of Team Manassas (FOTM) PAC. The discussion of the SBYA complaints against FOTM begins on page 15.

Here are the details concerning the mailers and video:

Mailer #1, Mail Distribution:

Mailer #1 was received in the mail at my home on Saturday, October 29, 2016, 10 days before the election date of November 8, 2016. I can provide an affidavit attesting to the date of receipt of this mailer. This same mailer was also distributed on an earlier date in the month of October 2016. Copy of Mailer #1 attached, labeled "Friends of Team Manassas Mailer 10-29-2016".

Mailer #1, Online Distribution:

The content from one side of Mailer #1 was posted online at www.teammanassas.com as of October 31, 2016 at 1:26 PM, less than 14 days prior to the election date of November 8, 2016:

Screen grab of Video #1 from the Team Manassas Website attached, labeled "Friends of Team Manassas Screen Shot 2016-10-31 at 1.26.23 PM". Note that this screen grab also includes the video at issue (see below, "Video #1, Online Distribution Channel 3 - Team Manassas Website).

Mailer #2:

Mailer #2 (Halloween Mailer) was delivered during the week before Halloween, October 31, 2016, within 14 days before the election date of November 8, 2016.

Copy of Mailer #2 attached, labeled "FOTM Mailer 2 (Halloween Mailer)"

Video #1, Online Distribution Channel 1 - YouTube:

Video #1 was posted on YouTube on October 14, 2016 and has been posted there ever since (it was therefore posted for the entire 14-days before and on the election date of November 8, 2016):

Screen grab of Video #1 from YouTube attached, labeled "FOTM Video 1 - YouTube".

Active video link here:

https://www.youtube.com/watch?v=E1_tVX1SocM

Video #1, Online Distribution Channel 2 - Facebook

Video 1 was posted on Facebook on October 31, 2016 at 12:14 PM, less than 14 days prior to the election date on November 8, 2016:

Screen grab of Video #1 from Facebook attached, labeled "Friends of Team Manassas Facebook Screen Shot 2016-11-06 at 11.56.34 AM".

Video #1, Online Distribution Channel 3 - Team Manassas Website

Video #1 was posted online at www.teammanassas.com as of October 31, 2016 at 1:26 PM, less than 14 days prior to the election date of November 8, 2016:

Screen grab of Video #1 from the Team Manassas Website attached, labeled "Friends of Team Manassas Screen Shot 2016-10-31 at 1.26.23 PM".

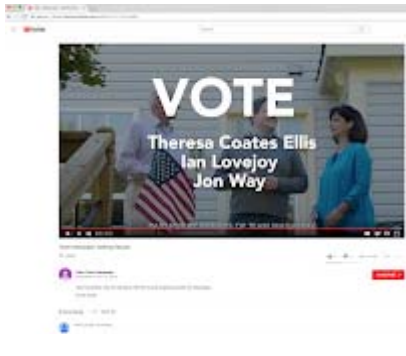
Please let me know if further information or any clarification is needed.

Take care.

Best,

Steve Hersch
Ph 704-281-6885

7 attachments



FOTM Video 1 - YouTube.png
1013K



FOTM YouTube Video Screen Grab - Video Posted 10-14-2016.png
1013K



Friends of Team Manassas Facebook Screen Shot 2016-11-06 at 11.56.34 AM.png
831K



Friends of Team Manassas Screen Shot 2016-10-31 at 1.26.23 PM.png
331K



Friends of Team Manassas Mailer 10-29-2016.pdf

5927K



FOTM Mailer 2 (Halloween Mailer).pdf

1501K



SBE 6-27-2016 Awareness Manassas, Team Manassas v3.pdf

194K



Schneider, Arielle <arielle.schneider@elections.virginia.gov>

Friends of Team Manassas SBYA Complaint - Additional Info

Stephen Hersch <stephen.hersch@gmail.com>

Sat, May 5, 2018 at 1:58 PM

To: "Schneider, Arielle (ELECT)" <Arielle.Schneider@elections.virginia.gov>

Hi Arielle,

Attached are screen grabs from Facebook of the incomplete disclosure language on two additional FOTM videos.

The screen grab of one video clearly shows that Facebook stated that Team Manassas posted the video on "October 31 at 12:14pm." That screen grab was taken on November 3, 2016, at 8:03 PM and is so named.

The screen grab of the other video shows that Facebook stated that Team Manassas posted the video "Yesterday at 4:55pm." That screen grab was taken on November 3, 2016, at 8:02 PM (and is so named), so "yesterday" in that context would have been November 2, 2016.

Thanks again for your assistance.

Best,

Steve Hersch
Ph 704-281-6885

2 attachments



Friends of Team Manassas Video - Screen Shot 2016-11-03 at 8.03.12 PM.png
506K



Friends of Team Manassas Video - Screen Shot 2016-11-03 at 8.02.19 PM.png
547K

Chairman James B. Alcorn	00:00	OK, so the two that I see then are Awareness Manassas and Friends of Team Manassas, is that correct? OK.
Vice Chair Clara Belle Wheeler	00:05	You just want to say that again?
Chairman	00:06	<p>Sure. I have Awareness Manassas PAC and Friends of Team Manassas are the two who have representatives here today. OK? So let's start with Awareness Manassas. So on this one, so what I see before us, I see there's several different complaints, five specifically, that are before the board. So, I'll kind of walk through each of these and then, you know, I'll mention the staff recommendation that we received on these and what kind of my take on them as well. So, the first complaint that is before the board is that there was a failure to timely file a Statement of Organization with the state Department of Elections. That would fall under the campaign finance violations as opposed to Stand By Your Ad or political advertisement violations. The complaint is that the Statement of Organization that is due within ten days of the time of beginning campaigning, to paraphrase, that the Statement of Organization, or the "SOO," was not filed in a timely manner. As I read the, excuse me, as I read our campaign finance summaries, the sections relating to the failure to file reports and late filing of reports don't require that notice be provided for the imposition of penalties, so if it's missed the penalties are automatically triggered, which would be a hundred dollar penalty under the Section 13.2 of our Summary of Campaign Finance Violations. I don't see this mentioned in the staff recommendations. I do know, I believe, that these are delegated to staff to assess these penalties, but I haven't had a chance to check that. But, that's my take on this particular one as it relates to the Statement of Organizations. I have not had a chance to pull the Statement of Organizations. It said that they are attached to the complaint, but I didn't find them in our meeting materials. Are there any thoughts or comments from the board?</p>

Vice Chair	02:10	I had a question. When we got this pack, the package, at the last meeting, the person who has routinely, the staff member who has routinely presented any data on campaign allegations has been Brooks Braun, and he was unable to attend that meeting, and I don't see him here today. Is he still the person who investigates and follows up and compiles the data, is that correct?
Deputy Commissioner Liz Howard	02:40	Thank you Madam Vice Chair. As you know, the board doesn't have any investigatory authority. So, Brooks Braun is our policy analyst that does handle campaign finance complaints.
Vice Chair	02:53	But he's not here today?
Deputy Commissioner	02:55	No, he's not.
Vice Chair	03:00	Is there a reason he's not here? I mean, you'd think that he would be the person who would know most about what's going on.
Deputy Commissioner	03:06	I'm happy to address any of your questions and I talked to Brooks thoroughly about that. So, unfortunately he was not able to join us today.
Vice Chair	03:12	OK.
Chairman	03:22	Have the staff had a chance to verify the facts that are in this complaint regarding the Statement of Organization and its timely filing?
Deputy Commissioner	03:30	Thank you Mister Chairman. So, as I've noted, the board does not have investigatory authority. So, in general, when we receive complaints we accept, we provide you with information that's provided in there, and also as a separate note, in general, and what the staff has mentioned in the past, is that our position is that this board has the authority to assess fines for Stand By Your Ad violations and we refer any other complaints outside of Stand By Your Ad violations to the local Commonwealth's Attorney.
Chairman	04:08	And, as I believe this board has stated, we disagree with that assessment that this board does not have the authority to levy civil penalties, not fines, against candidates related to campaign finance, which would also be consistent with what this board has adopted in the summary of campaign finance laws that are adopted by this board based on the elections [inaudible]. Specifically, Section 13.2 of that

		discusses the board’s authority to issue a fine for a late Statement of Organization, which is a hundred dollars.
Secretary Singleton B. McAllister	04:40	Mister Chairman, can I comment? I thought we had gotten this issue resolved our last meeting, and I understand the deputy commissioner’s position, about investigative authority, however I have to agree with the Vice Chair. When Brooks presided on these issues for us in the past I found it very helpful, and the role of, for that individual or individuals, gives this board some guidance. The board’s prerogative, obviously, we know what the code says. So, I thought we left that meeting with that understanding. So, I concur with your concern. I appreciate what the chair has done, going through the various concerns, and I’ve done them as well. We can go through the code and, obviously, you know, decide as to how we think we need to go with that. But, as one member of this board, I think we need to go with the system that works, and if you tell me if it’s wrong, I thought the way we handled it previously was a very thoughtful way for us to [go].
Chairman	05:50	I concur with the secretary.
Vice Chair	05:52	I very much concur. I thought we had a good system of information being presented, everybody heard it, both the public and the board, and we made decisions based on the information we were given in a professional manner.
Chairman	06:12	I agree with you on that. I would also like to clarify that I think there’s a difference between investigatory authority and pulling the campaign finance reports that have been filed with the State Board of Elections to see the dates on which those were filed. That doesn’t require a subpoena. That doesn’t require investigatory authority. That probably could be accomplished through a FOIA. I would be appalled if this board would have to file a FOIA in order, to the Department of Elections, in order to receive the campaign finance reports so that this board could weigh on a finance campaign violation before this board. But, if that’s what this board needs to do, then we shall do that.
Chairman	06:50	So, have the staff had a chance to pull the campaign finance reports that are mentioned in the complaint that has been sent to the staff and the Board of Elections?

Deputy Commissioner	07:01	Thank you Mister Chairman. So, again, as this, as the department's often stated, we believe that the board has the authority to fine, to make, assess, levy penalties in the event of a Stand By Your Ad violation. We have stated multiple times that any other complaints for campaign finance are referred to the Commonwealth's Attorney.
Chairman	07:25	And have these been referred to the Commonwealth's Attorney?
Deputy Commissioner	07:28	That is my understanding. For the complaints that are not Stand By Your Ad complaints that are included in the complaints that you see before you today, my understanding is that they have all, all of the individuals who have filed the complaints, were instructed to contact the Commonwealth's Attorney about non-Stand By Your Ad violations.
Chairman	07:44	So, the agency did not refer those to the Commonwealth's Attorney then?
Deputy Commissioner	07:48	No.
Chairman	07:49	OK. Counsel, may I ask whether or not this board has the authority as it's laid out in Title 24.2 and also the Summary of Campaign Finance Laws that have been adopted by this board and probably written by the staff regarding the ability to issue civil penalties for campaign finance violations?
Assistant Attorney General Anna Birkenheier (Counsel to SBE and ELECT)	08:08	I believe that matter is controlled by the delegation of authority, so with respect to how, who may have [inaudible] authority I think there's also certain provisions covering whether these are automatically applied or not and I would be loathe to speak to that without having a [inaudible] as to how those penalties are assessed through this system. So, while generally there is certainly statutory authority, I think that may be modified in part by the systems and delegations that have been developed.
Chairman	08:44	As a general rule of agency, if a board were to delegate to the staff, would the board still retain the authority to perform those actions and, if the board had delegated that authority to staff, then presumably the board had that authority in the beginning, then staff should be doing that. So, one way or another, if the board had the authority to

		issue penalties for campaign finance, then either the board still retains that or staff should be following through on the instructions from the board.
Counsel	09:14	Yeah. Uh huh. Yeah. I think it may, perhaps, in this instance, it might be helpful to bifurcate the non-Stand By Your Ad violations to determine what the status of those were as opposed to the Stand By Your Ad and that would allow a determination of how those [inaudible] if they were, that you have questions about and concerns with, a little more information about that process that [inaudible].
Chairman	09:37	OK.
Vice Chair	09:40	Mister Chairman.
Chairman	09:40	Madam Vice Chair.
Vice Chair	09:41	It's my recollection that in the past this board has heard campaign finance violations and Stand By Your Ad, and I think filing violations. I know the first two, and I'm trying to remember specifically on filing. I'm not sure why it's different today. I mean, why is our ability to review campaign allegations not the same as it's been, since this three-member board has done it before? I'm confused.
Chairman	10:22	I would agree with you and I do not understand the deputy commissioner's perspective on this, but I don't want to waste the time of everybody in front of us today. So, there are a couple Statement of Organizations and campaign finance violations before us today. There are then several Stand By Your Ad violations before us today, and then there's a handful of other types of complaints that are before us today, not all of which are germane to our board by the way, as we'll see today. But, I very strongly believe that this board has the authority to issue civil penalties related to campaign finance violations, which includes the expenditure and contribution reports, Statement of Organization reports, and also Stand By Your Ad or political advertisement complaints. There are other ones that are before us today that I believe are not germane to this board. But, that's my belief. I believe that's been the practice of the board for many years. I think that's clear in the code. I believe it's also very clear in the Summary of Campaign Finance Laws that, again, have been adopted by this board, although, in large part, written by the staff.

Unknown Speaker	11:26	OK.
Chairman	11:27	But, because I don't want to, you know, further this conversation... I don't think we're going to get this resolved today. Let's table the Statement of Organization parts, but let's move through the rest of the complaints. Does that seem fair to everybody?
Vice Chair	11:39	Yes.
Chairman	11:40	OK. We will talk with counsel's office to clarify this before our next meeting is called.
Chairman	11:45	The second item before us is a false information on the original signed Statement of Organization submitted to the state Department of Elections. My sense on false information on, frankly, any of the forms that come, that deal with elections, is that those usually end up in one of two places: either those are late or incomplete reports or there's an issue about false statements. Late and incomplete reports have a pathway for this board which requires notice to be given to those committees, who would then have the ability to remedy the information. False statements are not something that this board deals with. That's a criminal issue and those would probably be sent to the Commonwealth's Attorney is my understanding of the Code of Virginia. Then it seems that the business before us deal with one of those two, so whether we think they are late and/or incomplete we then need to give notice and, if then, give time and ability to remedy that, or if we believe those are false statements, that they would go to the Commonwealth's Attorney. But, in either event that's not something that the board would be issuing a civil penalty today is my assessment of the second charge.
Vice Chair	13:02	I would agree with that assessment.
Chairman	13:03	Is that fair?
Unknown Speaker	13:05	[Yes]
Chairman	13:05	OK.
Chairman	13:08	The third one, then, deals with violations of Chapter 9.5. Now we get into the Stand By Your Ad violations that are before us. I'm going to pull up my notes here. So, we have a few different sets of Stand By Your, sorry, advertisements that are before us, what I will call mailers one, two and

		<p>three. So, I have mailer one on page 23, and then 24 and 25. So, as we look at any of the political advertisements that are before us there's a few different things that I look for as I review these: one, what is the type of advertisement, print, TV or radio, you can think about those as classifications as opposed to what's actually printed since we live in a digital world these days, because there are different disclaimers that are required for that; and then look to see whether or not there's express advocacy on each of the advertisements; and then assuming that we have a, we do have an express advertisement, is there a disclaimer and the proper disclaimer on there. Assuming there is a violation there, looking at penalties, you have a requirement for looking in, sorry, if you look at our Summary of Campaign Finance Laws, violations and penalties are dependent upon the number of violations that the committee has had. So, looking at prior violations, whether or not there also needs to be, whether or not these violations occurred close to the election is also laid out in our Summary of Campaign Finance Laws. So, as I look at mailers one and two, the staff made a recommendation that there not be a civil penalty assessed on mailers one and two, because while these fall under print and there's, does not have a, may not have a proper disclaimer, they would argue this does not meet express advocacy if I'm reading their recommendation properly. The argument here, if I understand it, is that I believe staff is using, you know, probably more akin to the magic words test of express advocacy, which is a more narrow read. I would think that anybody looking at these would probably think that these are campaign advertisements, but they don't necessarily have the "vote for" or the etcetera language that we have in our campaign finance summaries that are on our website and, again, adopted by this board. So that's the recommendations for mailers one and two. I believe we use the standard that the board has in the campaign finance summaries, which is a more narrow definition, more in line with the magic words definition than the kind of, excuse me, functional equivalency of express advocacy. Then, one and two would not meet that standard.</p>
Unknown Speaker	15:44	[Yes]
Chairman	15:47	Is that fair? Madam Vice Chair.

Vice Chair	15:50	I'm not sure if it is.
Chairman	15:51	Sure.
Vice Chair	15:53	Are you saying that you think that these are not violations?
Chairman	15:58	So, the recommendation from staff, if I'm reading it correctly, is that one and two are not violations. We'll talk about three separately, and if I understand kind of the logic in the staff recommendations, they don't have any of what we call the magic words, which seems to be the standard that the board has used in the past, or at least as laid out in the campaign finance summaries that are on our website. The Code of Virginia requires is express advocacy and so what I did is I looked through the court cases on this and then anything that the board has said in the past. We haven't clearly defined what we mean by express advocacy, either through a regulation or policy. The one place I can see that the board has done that is in the campaign finance summaries. There is a definition of express advocacy in there and that definition of express advocacy seems to lean towards the, the kind of magic words test of Buckley, which is your looking for "vote for," "elect," "support," "cast your ballot," and "Smith for Congress," and things along that nature. While it's not as explicit as that in terms of campaign finance, that seems to be the standard that has been used. Now, later on today we're going to talk about where I think we should go on this. But, I think that's the, that's the standard that this board has put out in the past, or at least is on our website right now. Using that standard, then, mailers one and two do not have those magic words.
Secretary	17:17	Do we [inaudible] in each separate [inaudible].
Deputy Commissioner	17:24	Thank you Madam Secretary. Yes, as the chairman [crosstalk]. Yes, what the chairman summarized earlier is exactly the department's position. Mailers number one and number two do not include express advocacy. Therefore, the Code of Virginia and the state board's campaign finance guide do not require that a disclaimer be included on those advertisements due to the content.
Secretary	17:52	Thank you.

Chairman	17:54	If you want to compare that to mailer three, at the bottom it says “on November 8 th vote no on Pam Sebesky,” if I’m pronouncing that correctly, which would then be the magic words that the board has adopted in the campaign finance summaries. And, again, at the end of this, after we’ve walked through several other of these, we’ll, I have a notion [or motion] of where I want to go with this, you know, long-term. I think for today, that’s the standard that the board has adopted through the campaign finance summaries and I believe in transparency and due process and I think that is as close as the board has ever come to defining express advocacy.
Chairman	18:33	So, my motion with, although I do have a question on this. So, are you gentlemen here with Awareness Manassas or are you the ones that filed the complaint?
Stephen Hersch	18:43	We filed the complaint.
Chairman	18:44	OK. So, different questions then. So, the reason that I asked is because if you pull up our campaign finance summaries wanting to go the schedule of penalties, the staff are recommending a hundred dollar penalty. There is a difference for first-time offenses. It’s either a fifty dollar offense or a one hundred dollar civil penalty, in essence if you say “I’m sorry” or you try to remediate it. And, so, since Awareness Manassas is not here I assume that they have not yet remediated this or apologized. Is that a fair assessment?
Deputy Commissioner	19:16	Mister Chairman, there is an email from Integrity Manassas where they note that the disclosure errors were unintentional.
Chairman	19:28	Oh, I see that on page 29. Thank you. So, they apologized then. So, then I think that under the campaign finance summaries, as I read them on our website, that would then be a fifty dollar civil penalty as opposed to a hundred dollar civil penalty for a first-time offense.
Chairman	19:56	All right, just pulling it up some to double check my math on this.

Chairman	20:12	So, under Section 15.2, penalties, I'm sorry that's state-wide, 15.3, violations will be assessed a penalty as follows: fifty dollars for a first-time violation with explanation, apology and/or remedial measures taken. That's how I see this case for that specific one. So, that's under mailer three, which is complaint number three, disclaimers.
Chairman	20:46	Are there any questions from the board regarding mailer three, or frankly, anything, but that's the third of the mailers.
Secretary	20:52	The language is quite clear on 29. "To close, we apologize if the board finds our interpretation of the statute was incorrect and we accept your decisions." So, no, in view of the [inaudible] I think you're absolutely right [inaudible]. The magic words are there.
Chairman	21:08	Madam Vice Chair.
Vice Chair	21:13	You say, "I'm sorry." Just, you send out a bunch of flyers, you send out a bunch of mailers, you do whatever it is that you've done that's wrong and then you say, "oh, I'm sorry." I don't think that absolves it. I mean, I understand what the code says. I understand what the [inaudible] reads. However, we aren't, we, this three-member board, weren't privy to any of this discussion until this morning. I have, I have a great deal of difficulty if somebody says, certainly, apologize if you inadvertently did something you didn't know the law. Well, I believe the attorneys say lack of knowing the law is no excuse.
Chairman	22:15	I understand your hesitation. I'm just following...
Vice Chair	22:18	I know you do.
Chairman	22:19	...you know, the schedule of penalties that this board has adopted and I think it's important that we follow that schedule, so that there's no charges of bias and I don't think that's what's going on.
Vice Chair	22:28	No no, I have no idea [crosstalk].
Chairman	22:30	That's why we have [crosstalk].
Vice Chair	22:31	I have no idea anything about [inaudible].
Chairman	22:34	It seems like a spirited campaign, complaints on both sides.
Vice Chair	22:38	Are we going to hear from the other [inaudible].

Chairman	22:40	Well, I'll ask for comment, but I'm going to ask from the board first.
Chairman	22:44	Let me go through the kind of fourth and fifth complaints and then we'll hear from you gentlemen. So, I think on the independent expenditures issue that is probably going to be similar to our conversation on Statement of Organizations regarding the timeliness of facts, so I think we will table that until we have a conversation similar to our authority on that. I think we already had that conversation.
Chairman	23:04	The last one, false information on campaign finance reports is similar also to the conversation that we had about the false information on Statements of Organizations where it's either incomplete, late, or is a false statement, and so if it's a false statement then the, I would put it to the Commonwealth's Attorney. If it's incomplete or late then we should give them notice and time to remedy that before a penalty can be assessed. So, I think that's how we handle complaints four and five.
Chairman	23:32	So, in summary, where I see that we are is that: items one and four we'll table until we have conversations with counsel after this; items two and five we will get staff and take a look to see whether we should give notice for a late or incomplete or, and/or send it to the Commonwealth's Attorney for a false statement under the law. Then in items three, which is the disclaimers, mailers one and two do not have express advocacy, therefore there's no penalty. Mailer three does have express advocacy. It's a first-time offense with an apology. That would be a fifty-dollar civil penalty. Does that kind of summarize where we are?
Chairman	24:16	Then I want to give you gentlemen a chance to provide any additional comments.

Stephen Hersch	24:24	Good morning Mister Chairman, ladies and gentlemen. My name is Steve Hersch and I'm from Manassas and I filed the complaint against Awareness Manassas PAC. I understand everything that's been discussed this morning and so, I guess, rather than the full comments that I had prepared, I will simply address the issue on express advocacy. I would encourage the board in the future to adopt the definition from 11 CFR Section 100.22, which includes, in addition to the magic words language, additional language that the Chief Justice of the Supreme Court has referred to as the functional equivalent of express advocacy. I'll be brief, but basically...
Chairman	25:16	Feel free to go on that one.
Stephen Hersch	25:17	So, that definition is, "expressly advocating means any communication that when taken as a whole and with limited reference to external events, such as the proximity to the election, could only be interpreted by a reasonable person as containing advocacy of the election or the defeat of one or more clearly identified candidates, because (1) the electoral portion of the communication is unmistakable, unambiguous and suggestive of only one meaning, and (2) reasonable minds could not differ as to whether it encourages actions to elect one or more clearly identified candidates or encourages some other kind of action." The Fourth Circuit in the case <u>Real Truth About Abortion vs. the Federal Election Commission</u> held that Section 100.22 (b) is consistent with the first amendment and thus constitutionally on solid footing, and that decision is from June 12 th , 2012. So, thank you again for your consideration, and we would also appreciate it if, on a policy level, the board were to refer directly some of these issues to the Commonwealth's Attorney. Referring as individual citizens to the Commonwealth's Attorney's office, when we're not experts, is a difficult proposition. Thank you, again.

Chairman	26:41	<p>Stephen, if I can just respond. So, one, thank you very much for bringing this to our attention. You know, there are different ways to monitor the elections laws across the commonwealth and some of it's through vigilant citizens such as yourself that, you know, this board doesn't have investigatory authority. There are some things we can see in the data that we receive through the reports, but then there are other things that we only know about when people bring them forward to this board. So, thank for participating from that perspective. Second, on the express advocacy, if you hang around until after we get through the complaints before us today, I want to have that exact conversation. It is my, I think that you and I are probably on the same page for where this board should go on this, but I believe very much in due process and transparency, and so, because our campaign finance summaries kind of use the definition, this more limited definition, I want to make sure that everybody, you know, would be aware of us making what could be viewed as a policy change. I think that a broader definition is consistent with the Code of Virginia and it's consistent with the constitutional limitations, as well. But, I think we should be very transparent about this, so that's why I was lax to do that this morning. And then on your third point about bringing violations to the Commonwealth's Attorney, I agree with you on that, so the, you know, I think the board does have, depending on the type of violation, whether it was sent complaint to the Commonwealth's Attorney whether we need to kind of first rule whether or not there was a violation. There's different sorts of issues that come before this board, but we should be able to help facilitate that, assuming we follow our due process as well.</p>
Stephen Hersch	28:14	<p>Thank you. I really appreciate where you were coming from on those earlier points.</p>
Vice Chair	28:21	<p>I have one question. When did you first submit a complaint to the Department of Elections?</p>
Stephen Hersch	28:27	<p>The first complaint was just after the election, although it was an informal complaint</p>
Vice Chair	28:35	<p>This was November 16?</p>
Stephen Hersch	28:37	<p>This was in the November timeframe, that's right, and then my formal complaint was February.</p>

Vice Chair	28:42	OK. Thank you.
Stephen Hersch	28:49	Thank you.
Secretary	28:50	Thank you.
Chairman	28:50	Thank you.
Chairman	28:51	Are there any further comments on Awareness Manassas?
Chairman	28:58	OK, then hearing none, then I'm going to move that the board assess a civil penalty in the amount of fifty dollars against Awareness Manassas. Is there a second?
Vice Chair	29:11	Second.
Chairman	29:12	I see a motion and a second. Is there any discussion by the board? Hearing none, all in favor please say "aye."
Vice Chair	29:17	Aye.
Secretary	29:17	Aye.
Chairman	29:17	Aye.
Chairman	29:18	The motion passes unanimously.

Chairman	00:00	So, let's continue with our Manassas friends here today. So, next up we have Team Manassas before us. The materials I have from last week they kind of start on page 58. So, here we have, you know, what is just a Stand By Your Ad violation before us today, which should be clear here. Here we have an advertisement that is on page 59. It says Team Manassas. It has the candidates' names on top of it. It says "Vote November 8 th , 2016." From my interpretation and that of the staff is that that would then fit within those magic words that were in Buckley and that are in our campaign finance summaries. This would then be a first-time offense before the board. Excuse me, this has a disclaimer on it, which is important. So, it says "Paid For By Friends of Team Manassas," but we then have advertisements that mention the candidates' names. There's also supposed to be a second part of the disclaimer that talks about whether or not it is authorized by those candidates, which, I believe, is what the staff had also pointed out in their recommendations. They are recommending a hundred dollar civil penalty, which would be under the same section that we were talking about earlier about print media where it is only fifty dollars if you say "I'm sorry," or is a hundred dollars if there is no explanation or apology or remedial actions taken. Does that summarize the staff interpretation, Liz?
Deputy Commissioner	01:35	Yes, Mister Chairman.
Chairman	01:38	Are there any questions or comments from the board, and then we'll get to you gentlemen.
Chairman	01:55	I did have one, so, one question that I had for the gentlemen, is we have two images in our packet here today and, so, I don't know if we should be treating this as one or two advertisements. It appears they both came from a website, and so I would say if they're on the same page that we would treat them as one. But, if they are on separate pages on there, then we would treat them as two, kind of like two different things that were released. And, here, my understanding, this looks like a screen shot of a video, it, even though it's a video or a still under the print media category, because web pages fall under print media, is that correct counsel? So, again, treat them as more as categories as opposed to other things that are physically printed?

Stephen Hersch	02:42	Is that a question you're looking at me to answer?
Chairman	02:43	Well, I was just kind of summarizing up here and then I'm going to ask, then, then I would like to know the answer to that.
Chairman	02:49	Any other thoughts on this?
Chairman	02:53	So, any response? So, one, is this, are both of these on the same web page? Am I interpreting this correctly, or are these, are these really separate items?
Stephen Hersch	03:02	Again, I'm Steve Hersch from Manassas. Both of these images are actually from their web page at www.teammanassas.com . But, in addition to that, there was also a Facebook page where the video appeared and where this other image appeared, and there was a YouTube page, video page, where the video also appeared. And I'm not sure why it didn't find its way into the package, there were also two different mailings of this image (image displayed) that were direct mail, and an additional direct mail piece, as well. There were three different direct mail pieces.
Vice Chair	03:51	Question [inaudible], Mister Chairman. OK, so the one that says Team Manassas that's, that's this (image displayed)...
Stephen Hersch	03:58	Yes.
Vice Chair	03:59	That appeared on a web page?
Stephen Hersch	04:02	Yes. This image (image displayed) appeared on www.teammanassas.com . It also appeared on a Facebook page for Friends of Team Manassas, and this image was also included in a mailer. This is the actual mailer (mailer displayed), the front of the mailer and the back of the mailer. Two of this particular mailer, two different mailings occurred of this mailer (copy of mailer displayed, physically provided to Vice Chair), and then there was a third mailer by Friends of Team Manassas, and this is a copy of the front and the back of that mailer (copy of mailer displayed, physically provided to Vice Chair). All of them have the same disclosure, which is Paid For By Team Manassas, Friends of Team Manassas, but no other disclosure. So, I don't know if I need to, seeing that this didn't get into the package, if I need to refile this with Brooks or just provide it to you.

Vice Chair	05:10	So, is that five different places this one...
Stephen Hersch	05:15	So, just to, just to make sure that I've covered them all. It is the web page for Friends of Team Manassas.
Vice Chair	05:21	Right.
Stephen Hersch	05:22	It is the Facebook page for Friends of Team Manassas. It is the YouTube page for Friends of Team Manassas. And, then, three separate direct mail pieces: two mailings of this direct mail piece, separate mailings (copy of mailer displayed); and one mailing of this direct mail piece (copy of mailer displayed).
Unknown Speaker	05:41	Six.
Vice Chair	05:44	So, six different places?
Stephen Hersch	05:45	Yes.
Vice Chair	05:46	Thank you.
Unknown Speaker	05:48	I'm lost in the weeds.
Chairman	06:00	It appears that their website is down. They don't need it anymore, so...
Stephen Hersch	06:03	It's clearly been...
Chairman	06:05	I'm just trying to double-check some of these things here.
	06:07	[crosstalk]
Stephen Hersch	06:10	You'll find that everything has been wiped.
Stephen Hersch	06:17	There's still Friends of Team Manassas on Facebook, but any reference to the 2016 election cycle is gone.
Chairman	06:40	So, I think, well, let's deal with the two that are before us, which appear to be separate. So, the initial question that I had is whether we should treat this as one or two advertisements. So, I think, I would treat these as two separate ones, which was my inclination to begin with. So, that's kind of the initial question, and I think seeing that one of these was mailed and clearly this, the video, was not mailed, then I think that kind of furthers that, that you could treat these as two separate advertisements from that perspective. So, on the first one, which looks like this (copy of mailer displayed), although it looks like there've been color changes on our page here. We here have clearly

		identified candidates. We have “vote” with the election date, and so I think we are within the confines of express advocacy, which would be consistent with the staff recommendation on this, that we then take a look at the second one. It’s almost identical where we have the [inaudible] candidates’ names. We have “vote” on the election date, and, again, we have the disclaimer that says “Paid For By Friends of Team Manassas.” It does not have the “authorized by” information, which would mean that it does not have a complete disclaimer on either of those two advertisements. So that would be...
Vice Chair	08:01	Two.
Secretary	08:03	I agree.
Chairman	08:03	Is the, any questions on that? OK. Then if there’s no questions on that, then the question before us, I think, would be on those two items whether or not, do we treat this as a first and second violation? So, these seem to be two violations. So, as I’m reading our campaign finance summaries, it says for a second violation, we treat second violations, we have said where it’s print material it’s not listen, if you print a hundred of these it’s a hundred violations. It’s one of those is kind of one run, we’re going to treat those as the same. But, we have two, really, completely different advertisements before us. We treat those as two separate, as a second violation. I ask because the dollars go up.
Vice Chair	08:46	I think it’s two separate. There’s multiple mailers of different ads, and the video. The video is [inaudible].
Chairman	08:56	OK, and I would agree with you on that. I think that’s consistent, you know, where we say it’s, for every second violation that the price goes up for that. So, then, so are there any comments from...
Stephen Hersch	09:13	Sir, I don’t know if it makes a difference, the timing, these being as close to the election. I don’t know if that impacts the amount of the fine or not.
Chairman	09:22	It does. So, if you are within, so, if the advertisement is disseminated or on display in the fourteen days prior to or on the election day to which the advertisement pertains, the above penalties will be doubled.
Stephen Hersch	09:35	So, I have additional information I can provide. I don’t have it with me [inaudible] that would indicate the mailing dates on these. I do have that information.

Chairman	09:47	If you have the mailing dates on those, then that would change it. Counsel?
Counsel	09:51	If there's additional information to be provided with respect to the additional information provided today, those [inaudible] for [inaudible] purposes would need to be sent again.
Chairman	10:00	Oh yeah. Yeah. [inaudible]
Counsel	10:02	That may allow these to be treated in one go. I think that would be [inaudible]
Chairman	10:10	Sir, do you have information that may lead us to believe that these were issued within the fourteen days prior to or on election day?
Stephen Hersch	10:16	Absolutely.
Chairman	10:17	OK, then I assume then that you would probably like us to kind of table this until we got that information to give proper notice.
Stephen Hersch	10:22	Yes. We have the campaign finance reports that show when the postage was paid at the Post Office and when they were actually produced.
Chairman	10:30	OK, then why don't we table these two today for that information, so that we can provide that to the affected committee to give proper due notice. That seem fair?
Vice Chair	10:43	Yep.
Secretary	10:43	Uh huh.
Stephen Hersch	10:44	And I don't know if this is out of order. Please stop me if it is, but, for just a moment, going back to Awareness Manassas, we also had provided information from the Post Office itself indicating that those mailers were within two weeks of the election, and we actually had a confirmation from the bulk mail clerk. So, I don't know if that impacts the fine that you had [inaudible] earlier for Awareness Manassas.
Chairman	11:10	Yes, according to those, within fourteen days then that would similarly be doubled.
Stephen Hersch	11:17	And actually I have information there that I can provide [inaudible]
Chairman	11:23	Now, I think that we should provide that to the impacted committee as well, just for transparency and due process.

		Counsel, would you agree?
Counsel	11:32	Yeah, now...
Chairman	11:33	Should we?
Counsel	11:34	Now, to be clear, this was the earlier matter that the board has now voted on.
Stephen Hersch	11:38	And that was, it was, that information was provided in the original complaint, the evidence, so it was a different scenario than we're talking about with Friends of Team Manassas. And, it's a, and actually in your earlier package from the May 1 meeting, this was included in that package. I'm not sure why it wasn't included in this package (document provided to board).
Stephen Hersch	12:24	And the third line highlighted there is the mailer that had the express advocacy as determined by the board today.
Chairman	12:59	Yeah, I'm not sure what we're looking at here, sir.
Stephen Hersch	13:01	That, that is the confirmation from the bulk mail department at the Post Office indicating the mailing date, the volume and the postage for the three mailers for Awareness Manassas. The third one highlighted is the one for Mrs. Sebesky where it says "vote no."
Stephen Hersch	13:30	And, again, that was provided as part of the original complaint. It was included in your package for May 1 st .
Stephen Hersch	14:14	And, actually, I referenced that on page 18 of your working papers...
Stephen Hersch	14:26	Where I indicated that the third mailing was 3,225 pieces, mail date 11/2/2016. "Sebesky" is what we called that mailer. Specifically, it opposed the election of clearly identified Manassas City Council candidate Pam Sebesky.
Chairman	14:55	Liz (Deputy Commissioner), was Awareness Manassas provided these materials?
Deputy Commissioner	15:07	So, my understanding is, and I will go back and double check it, is that Awareness Manassas was provided with a copy of the complaint, but they were not provided with a copy of the document that you have in front of you.
Vice Chair	15:23	And to [inaudible]. So, Awareness Manassas was, I'm sorry I have to do this, was made aware that they were going to be heard, this case was to have been heard at the May 1 st . Did they respond? I now they didn't come to the meeting

		on May 1 st , but did they respond? And they're not here today. Were they aware that this was going to be heard at today's meeting?
Deputy Commissioner	15:47	Awareness Manassas, yes, did respond and was aware.
Vice Chair	15:52	OK [crosstalk]. I see it in the packet, but I just want everybody to know. They chose not to come to give their side of the story. Is that correct?
Stephen Hersch	16:04	And that document was in the working papers that were posted online for the May 1 meeting.
Chairman	16:18	Counsel, do you, so this is the question I want to ask the counsel is, can we utilize this [inaudible] to make our determination regarding the fourteen days?
Counsel	16:30	If you would like to utilize information that has not been provided, I would recommend providing it to give them an opportunity to respond. If you would like to rely on the information that was provided to them in the [inaudible] complaint, and that's been provided to them, that would not require further notice.
Vice Chair	17:00	The question, I think, Mister Chairman, is, we've been here before on campaign problems, and I've said for as long as I've been on this board, this board needs to know the allegations when they're presented. Because we end up with situations where now something that happened six months ago, eight months ago, and we're trying to play catch-up. If, indeed, someone breaks the law on advertising or campaign finance or whatever it is, before an election, they're doing it clearly to influence an election. That's why you, that's why you do all this, and you need to be told, "Don't do that. Here's your fine," before the election, not six or eight months after the election when the votes are counted. It's done. All we can do is slap a fine on somebody. I would, I would respectfully request, again, that this board be given information as it's presented to the department so we can get it on the docket and get it, because we need to be more timely on this.
Chairman	18:22	All right. I completely agree with you on that.
Vice Chair	18:24	Yeah.

Chairman	18:30	Liz (Deputy Commissioner), just so, I want to make sure I understand this. So, this email that's on pages 17, 18 and 19, was provided to the committee? And the reason I'm asking is because in here the allegation has the mail dates on the, on the items. So, if they received that, then I think they were put on notice that we would be considering this as something that's within fourteen days, so, regardless of whether or not they received this print-out.
Deputy Commissioner	18:56	Yes, Mister Chairman.
Chairman	18:58	So, that's correct. OK, well, then hearing that, then, counsel, please correct me if I get the process wrong on this. I think the correct motion, then, is to move to reconsider the earlier approved motion by the board to assess a civil penalty of fifty dollars. I don't think I have to say what the change is right now. It's just a motion to reconsider it. Is that correct?
Counsel	19:20	Uh huh.
Chairman	19:20	OK. Is there a second?
Unknown Speaker	19:22	Second.
Chairman	19:23	OK, so now that that motion is before us, I think the proper one is for us to amend the previous one, which, no, I think we've got this wrong.
	19:32	[crosstalk]
Chairman	19:35	All right. You know what, let's kind of put Robert's Rules aside for a second here, right, because the important thing here is that we all understand what we're voting on, right? So, the, we earlier passed a motion to assess a civil penalty of fifty dollars. It appears that the information in the memos on pages 17 through 19, which was provided to us by Mister Hersch, and provided to Awareness Manassas, indicates that the third mailing was released within fourteen days of the election. Advertisements that are released within fourteen days add to the violation. The civil penalty is doubled. In this case, that would go from a fifty dollar assessment to a one hundred dollar assessment. Therefore, I am going to move that the, we edit the prior motion [inaudible] to state that the board would issue a civil penalty in the amount of one hundred dollars against Awareness Manassas for the third advertisement. Is that

		understood?
Vice Chair	20:28	Yes, and I'll second.
Chairman	20:29	OK, motion made and seconded. Is there any discussion by the board? None. Then, all in favor, please say "aye."
Chairman	20:39	Aye.
Vice Chair	20:39	Aye.
Secretary	20:39	Aye
Chairman	20:39	The motion passes unanimously. OK.
Vice Chair	20:44	Thank you for bringing that back to our attention.
Chairman	20:45	Thank you. Appreciate that.
Stephen Hersch	20:46	Thank you very much.
Chairman	20:51	OK, did we, on Team Manassas, we're going to talk about that next time. OK? OK. That does it for those individuals that are here before us today for campaign finance violations.

RECOMMENDATION: Friends of Team Manassas

ELECTION	Manassas City Council; November 8, 2016
TYPE	Mailings
SPONSOR TYPE	Other Committee
DISCLOSURE	<u>required</u>
DISCLOSURE	<u>missing</u>

"Friends of Team Manassas Mailer 10-29-2016"

Recommended Motion: I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Friends of Team Manassas in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to an advertisement, and is hereby fined (SBE discretion).

5. Hannah for Hope

Vote on June 13th!

*Join the resistance,
be a part of history.*

Hannah Risheq for Delegate

A passionate, dedicated, and innovative leader who will represent the Commonwealth's *most precious values*.

Endorsed by:

Sterling Supervisor Koran Saines	Run for Something
The Pluralism Project	Our Revolution NoVa
National Association of Social Workers	Loudoun County Democrats Diversity Chair Larry Roeder
Fairfax County School Board, At-Large Representative '12-'15 Ted Velkoff	

Hannah
FOR DELEGATE

www.hannahfordelegate.com

Hannah Risheq is a Social Worker, Researcher, and Advocate who will use common sense, evidence-based tactics to solve our problems and fight for the future of Virginia.

- **Expand** Medicaid and Protect our Health Care
- **Invest** in Clean Energy Solutions
- **Value** our Teachers and Promote our Schools
- **Utilize** Innovative Methods to Ease Traffic Congestion & Invest in Metro

VOTE ON JUNE 13TH!

Be a part of history and vote for Hannah Risheq!

www.hannahfordelegate.com

RECOMMENDATION: Hannah Rishaq

ELECTION	Delegate, Primary; June 13, 2017
TYPE	Flyer
SPONSOR TYPE	Candidate/Candidate Campaign
DISCLOSURE	<u>required</u>
DISCLOSURE	<u>missing</u>

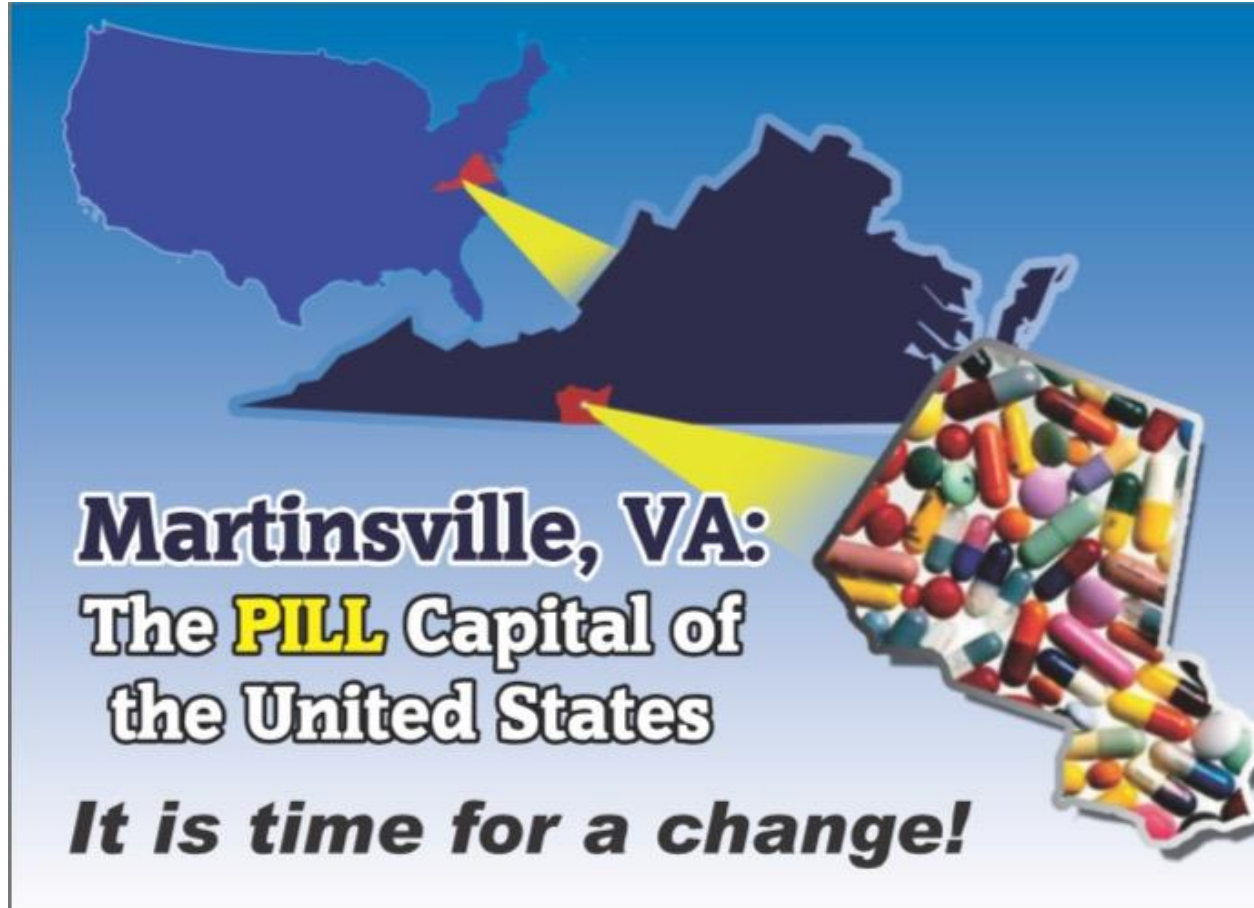
\$100/violation (doubled due to proximity to the election)

Flyers

Recommended Motion:

I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Hannah Rishaq in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to an advertisement, and is hereby fined \$100.

6. Joan Ziglar for Commonwealth's Attorney



RECOMMENDATION: Joan Ziglar

ELECTION	Martinsville Commonwealth's Attorney; November 7, 2017
TYPE	handout
SPONSOR TYPE	Candidate/Candidate Campaign
DISCLOSURE	<u>NOT REQUIRED</u>
DISCLOSURE	no express advocacy (only distributed one side of the postcard)

Recommended Motion: I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Joan Ziglar not in violation of Virginia's campaign finance Stand By Your Ad laws.

7. National Right to Work Committee



National Right to Work Committee

A COALITION OF EMPLOYEES AND EMPLOYERS
NATIONAL HEADQUARTERS BUILDING

October 20, 2017

Dear Friend:

On the books since 1947, Virginia's cherished Right to Work Law guarantees no Virginian can be forced to pay union dues or fees as a condition of employment.

Virginia's Right to Work Law has always given the Old Dominion an enormous economic advantage -- Right to Work states enjoy lower unemployment, a lower cost-of-living and lower taxes than forced-unionism states.

But not everyone is thrilled with the freedom, jobs and economic prosperity that go along with your state Right to Work law.

The union bosses hate that they can't force Virginia's workers to pay them tribute -- and gutting or undermining Virginia's cherished Right to Work Law tops the union bosses' long-term agenda.

That's why I recently sent each of your candidates for governor a survey on the forced-unionism issue, asking them to publicly pledge support for Virginia's Right to Work Law.

I'm pleased to report that one of your candidates for governor in the November 7 General Election -- Republican Ed Gillespie -- has already returned his Candidate Survey, pledging 100% support for Right to Work.

Ed Gillespie has staked out his position in opposition to forced unionism -- and pledged to fight any attempts to gut Virginia's Right to Work Law.

But, I'm afraid I have bad news.

You see, Democrat candidate Ralph Northam has, thus

Page 3

increased by 11% in Right to Work states, again nearly DOUBLE the rate seen in forced-unionism states.

It's not hard to see why Right to Work states have such a huge advantage over forced-unionism states.

PHH Fantus, the nation's longtime leading business relocation firm, reported that half of all businesses automatically eliminate non-Right to Work states when considering relocation or expansion.

And those jobs going to Right to Work states are good, high-paying jobs.

George Mason University's Nobel Prize-winning economics department found that families in Right to Work states average \$2,800 more in purchasing power than families in non-Right to Work states.

A more recent study conducted by Dr. Barry Poulson -- a past president of the North American Economics and Finance Association and economics professor at the University of Colorado -- showed even more striking results.

Dr. Poulson found that families in Right to Work states have nearly \$4,300 more purchasing power than families in non-Right to Work states.

The fact is, you and I cannot afford to let Big Labor gut Virginia's cherished Right to Work Law.

That's why it's vital you put the heat on Democrat Ralph Northam and insist he come out in 100% opposition to forced unionism at once.

The good news is, right now is the time that politicians are listening most closely to the folks back home -- while they are candidates, rather than safely in office.

But with the November 7 General Election less than three weeks away, there isn't much time.

Here's how you can help:

2017 Roster of Candidates • State of Virginia

•2017 Candidate Survey•

1. Virginia's state Right to Work Law provides that no worker can be denied a job because he or she either joins or does not join a labor union. Virginia's Right to Work Law guarantees that individual workers can freely choose for themselves whether or not to join or financially support a labor union.

Will you oppose all efforts to weaken or repeal Virginia's Right to Work Law?

2. Union officials have historically sought to gain monopoly bargaining power over government employees. Under monopoly bargaining, also known as exclusive representation, union officials demand the power to bargain for every person employed within a work unit -- including those individuals who do not desire union representation. Under well-established court precedent, affirmed in the 1993 statute, Virginia localities are prohibited from granting union officials monopoly bargaining power over their employees.

Will you oppose granting union officials monopoly bargaining powers over government employees?

3. In 2002, the General Assembly considered H.B. 145, a so-called "meet and confer" bill. "Meet and confer" legislation violates the state's policy of protecting state and local government employees from forced unionization, allowing government unions

to impose themselves between government and employees. "Meet and confer" is often the first step towards full-fledged monopoly bargaining for government union officials.

Will you oppose all efforts to impose monopoly "meet and confer" bargaining on government employees?

4. Recently, in several Right to Work states, so-called "fee for grievance" bills were introduced that would have gutted the states' respective Right to Work laws by allowing union officials to force non-union workers to pay for the use of the grievance process at their workplaces -- a process created and completely controlled by the unions, which non-union employees are forced to use whenever they have a grievance. Passage of such legislation would mean most workers would be coerced into joining labor unions to avoid the high "fees" for using the union-controlled grievance process.

Will you oppose so-called "fee for grievance" legislation that seeks to coerce union non-members into paying for the use of the union-controlled grievance process?

Candidate Reponses -- Virginia Governor

	Question #	1	2	3	4
Ralph Northam-D		-	-	-	-
Edward Gillespie-R		Y	Y	Y	Y

Candidate Contact Information

Mr. Ralph S. Northam-D
P.O. Box 16249
Arlington, VA 22215

Mr. Edward W. Gillespie-R
P.O. Box 71596
Richmond, VA 23255

Note: The National Right to Work Committee, of course, endorses no candidates. We are a nonpartisan organization. But we believe that you as a Right to Work supporter are entitled to know which candidates will support the right of every Virginian to earn a living -- without having to pay union bosses for the privilege.

Right to Work Survey Reply Memo

Return To: Mark Mix, President
National Right to Work Committee
8001 Braddock Road
Springfield, VA 22160

FROM: Ms. Rachel Shalda
Telos Identity Management Solutions, LLC
19886 Ashburn Road
Ashburn, VA 20147-2358

Z17GVA05 4498627282

Dear Mark:

I understand that Virginia's Right to Work Law not only protects Virginia workers from being forced to pay union dues as a condition of employment, but also gives our state an enormous economic advantage over forced-unionism states.

And I know we must do all we can to ensure that candidates pledge total opposition to forced unionism and vow to fight any attempts to gut Right to Work!

That's why I have:

- Put the heat on Democrat candidate Ralph Northam to tell him that his failure to oppose forced unionism is unacceptable, insisting he answer his Candidate Survey and come out in complete opposition to Big Labor's radical, forced-unionism agenda;
- Contacted Republican gubernatorial candidate Ed Gillespie and thanked him for answering his Candidate Survey and vowing to protect Virginia's cherished Right to Work Law;
- Enclosed a contribution to help you pay for this effort:

\$250 \$100 \$75 \$25 Other \$ _____

Please make checks payable to: NATIONAL RIGHT TO WORK COMMITTEE

Note: THE NATIONAL RIGHT TO WORK COMMITTEE IS A NOT-FOR-PROFIT ORGANIZATION WITH TAX-EXEMPT STATUS UNDER IRC SEC. 501(C)(4). BECAUSE THE NATIONAL RIGHT TO WORK COMMITTEE LOBBIES IN OPPOSITION TO COMPULSORY UNIONISM, CONTRIBUTIONS ARE NOT TAX DEDUCTIBLE AS CHARITABLE CONTRIBUTIONS (IRC § 170) OR BUSINESS DEDUCTIONS (IRC § 162(E)(1)).

JAMES BOPP, JR
jboppjr@aol.com

THE BOPP LAW FIRM, PC
ATTORNEYS AT LAW

JEFF GALLANT
jgallant@bopplaw.com

THE NATIONAL BUILDING
1 South Sixth Street
TERRE HAUTE, INDIANA 47807-3510

Telephone 812/232-2434 Facsimile 812/235-3685

Indianapolis Office:

6470 Mayfield Lane
Zionsville, IN 46077
Telephone/Facsimile
(317) 873-3061

May 14, 2018

Virginia State Board of Elections
Washington Building—First Floor
1100 Bank Street
Richmond, VA 23219-3947

Re: Stand By Your Ad (SBYA) Complaint of
Rachel Fandel
Reference # 1545894
Hearing scheduled for May 21, 2018, at 10:30
a.m.

Commissioners,

This Firm represents the National Right to Work Committee (NRTWC) with respect to the to the above-referenced complaint and hereby provides its response.

The Complaint Does Not Describe a Violation of the “Stand by Your Ad” Statute (“SBYA”).

The “Detailed Description of Violation” offered by Ms. Fandel does not describe a violation of the SBYA requirement (§ 24.2-955). Under relevant Virginia law, an “advertisement” subject to the SBYA is one “the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.)” § 24.2-955. The mailer at issue is neither an expenditure nor a contribution required to be disclosed under Chapter 9.3. No violation having been alleged, none should be found.

An “expenditure” is “money and services of any amount, and any other thing of value, paid, loaned, provided, or in any other way disbursed by any . . . person for the purpose of expressly advocating the election or defeat of a clearly identified candidate.” § 24.2-945.1.

Accordingly, an expenditure falling under the SBYA must contain “express advocacy,” a term of art that means a communication containing express words of advocacy of election or defeat, such as “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” “reject,” or some variation thereof, i.e., “magic words.” *See, e.g.,* Virginia State Board of Elections, *Memorandum re Stand by Your Ad Complaint-Sara Ward* (Nov. 16, 2015).^{1, 2}

The letter at issue contained no express advocacy, as defined in Virginia statutes, and therefore is not an advertisement subject to the SBYA. It contains no express words of advocacy of election or defeat of a candidate. Instead, it simply reports the positions of the candidates on Right to Work issues. The only action advocated—to “act today!” was to contact the candidates, to ask the nonresponsive candidate to answer his survey “in complete opposition to forced unionism,” and to thank the responsive candidate for “standing up to the union bosses and pledging to protect Virginia’s cherished Right to Work Law.” The letter was not an advertisement or contribution under Virginia law and therefore is not subject to the SBYA provisions.

Ms. Fandel’s assertions of an error in the address and the communication’s being sent to a business address allege no violation of the SBYA or, for that matter, of any provision of law of which NRTW is aware. Having failed to describe a putative violation of the SBYA, no violation should be found and Ms. Fandel’s complaint must be dismissed.

¹Available at <https://www.elections.virginia.gov/Files/Media/Agendas/2015/2015116SupportingDocuments-Violations.pdf>.

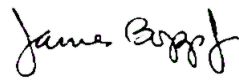
²The so-called “magic words” definition of express advocacy, based on *Buckley v. Valeo*, 424 U.S. 1 (1976), was adopted by Virginia’s Supreme Court in *Virginia Society for Human Life v. Caldwell*, 500 S.E.2d 814 (Va. 1998) in construing the phrase “for the purpose of influencing” in definitions of “expenditure,” “contribution,” and Virginia’s then-operative disclaimer provision for “writings.” *Id.* at 815. Moreover, if there were any questions of the relevant definitions’ meaning after *VSHL*, in 2007, the Virginia legislature replaced the phrase “for the purpose of influencing the outcome of an election” with the present language, “for the purpose of expressly advocating the election or defeat of a clearly identified candidate,” which corresponds exactly with the language required in *Buckley*. There can be no question that the legislature intends to limit the definitions of expenditure and contribution to communications containing so-called “magic words.”

Virginia State Board of Elections
May 14, 2018
Page 3

Given the clear and applicable legal precedent, the letter is not subject to the SBYA provisions, the Complaint fails to describe a violation of the SBYA law and therefore must be summarily dismissed.

Sincerely,

THE BOPP LAW FIRM, PC

A handwritten signature in black ink that reads "James Bopp, Jr." in a cursive style.

James Bopp, Jr.
Jeffrey P. Gallant

RECOMMENDATION: National Right to Work

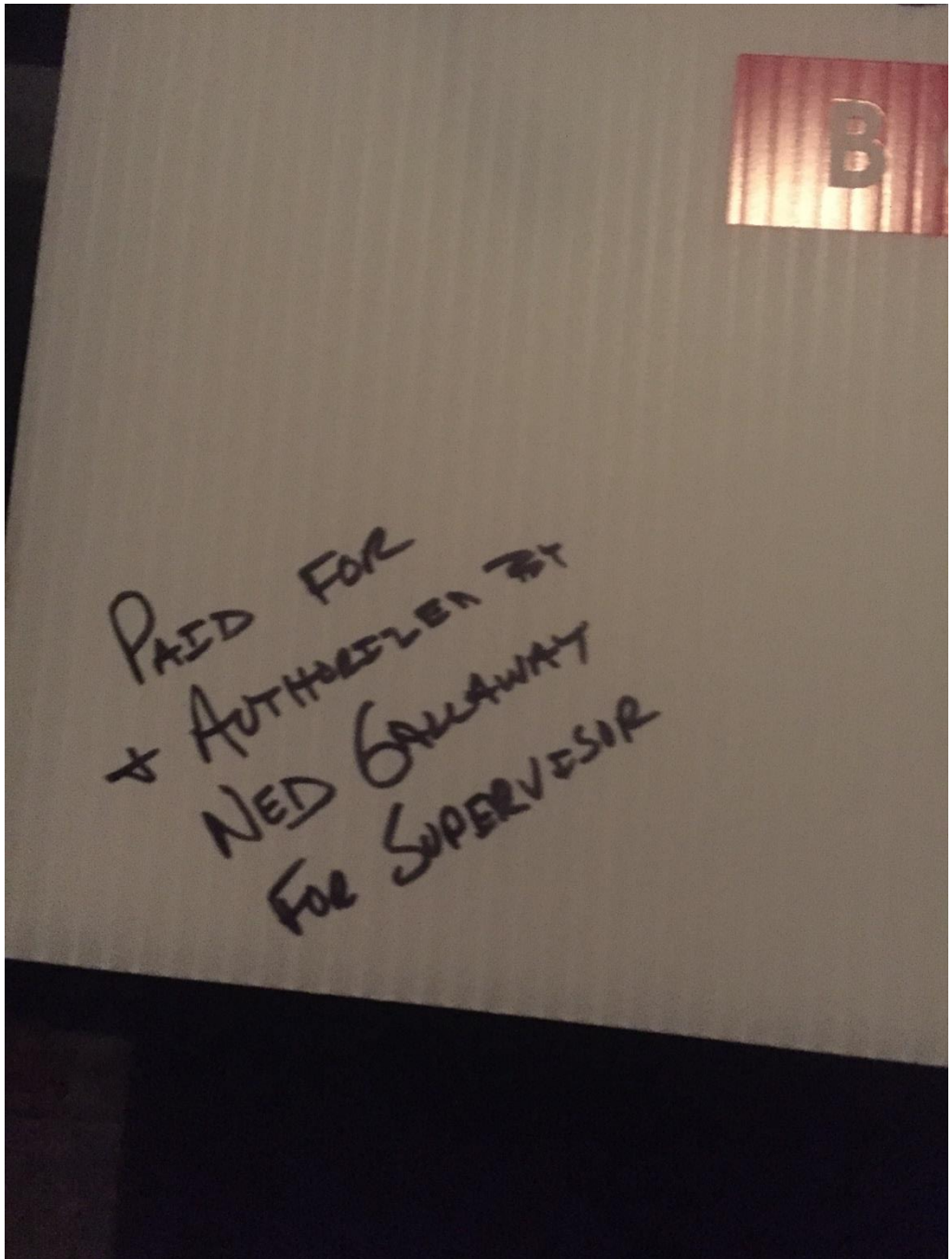
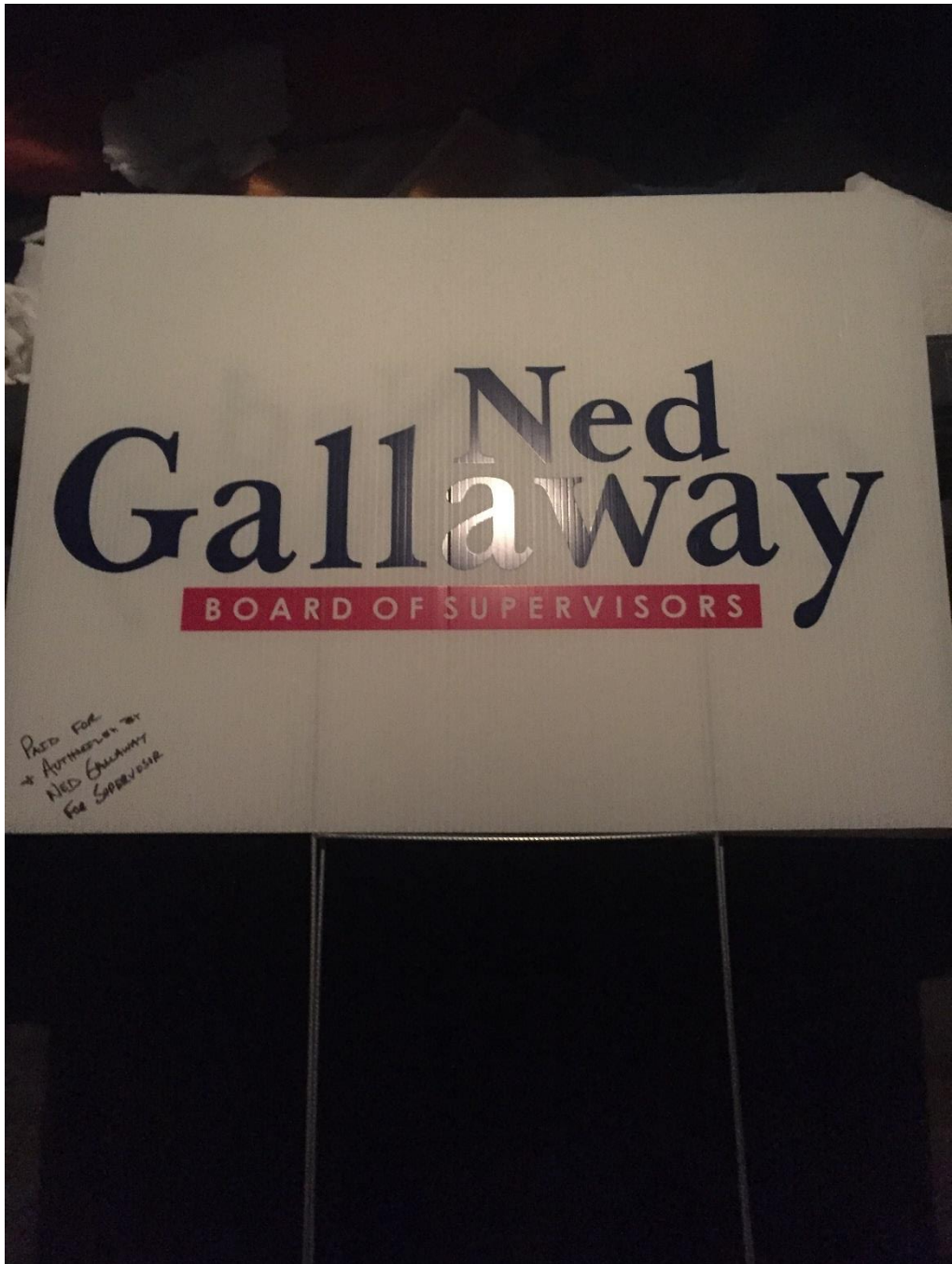
ELECTION	Gubernatorial race, November 7, 2017
TYPE	mailing
SPONSOR TYPE	Other committee
DISCLOSURE	not <u>required</u>

No express advocacy in the letter; not subject to SBYA

Recommended Motion: I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find National Right to Work committee not in violation of Virginia's campaign finance Stand By Your Ad laws.

8. Ned Gallaway for Supervisor















RECOMMENDATION: Ned Gallaway

ELECTION	Albemarle County Board of Supervisors; November 7, 2017
TYPE	Yard signs (Throughout the county)
SPONSOR TYPE	Candidate/Candidate Campaign
DISCLOSURE	<u>required</u>
DISCLOSURE	<u>missing</u>

\$100/violation (doubled due to proximity to election)

Sign (8 signs in evidence) [48 signs total]

Recommended Motion: I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Ned Gallaway in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to 48 advertisements, and is hereby fined (SBE).

9. Pulaski County Citizens for an Informed Community

READY TO VOTE NOVEMBER 7TH

COMMONWEALTH OF VIRGINIA
SAMPLE BALLOT
 County of Pulaski
 GENERAL AND SPECIAL ELECTIONS
 Tuesday, November 7, 2017

TO VOTE:
 1. USE A BLACK BALL POINT PEN TO MARK THE BALLOT.
 2. COMPLETELY FILL IN THE OVAL TO THE LEFT OF YOUR CHOICE LIKE THIS ○.
 3. TO VOTE FOR A PERSON NOT ON THE BALLOT FOR AN OFFICE, WRITE THE NAME ON THE LINE PROVIDED AND COMPLETELY FILL IN THE OVAL TO THE LEFT OF THAT NAME.

GOVERNOR (Vote for only one)
 Ralph S. Northam - D
 Edward W. "Ed" Gillespie - R
 C. Keith D. Hays - L
 Write in _____

Member House of Delegates (Vote for only one)
 Elizabeth H. Kolar - D
 Larry N. "Bud" Rosen - R
 Write in _____

Member House of Delegates (Vote for only one)
 Chris L. Hunt - D
 Joseph R. Yost - R
 Write in _____

Lieutenant Governor (Vote for only one)
 Justin E. Pappas - D
 Jill H. Vogel - R
 Write in _____

Attorney General (Vote for only one)
 Mark A. Herring - D
 John D. Adams - R
 Write in _____

School Board
 Mark A. Herring - D
 John D. Adams - R
 Write in _____

Ballot Instructions:
 Should the County of Pulaski require a referendum to be held and issue to the general electorate, the maximum amount of \$47,000,000.00 shall be used for the construction, completion and opening of a replacement Pulaski County Middle School and related improvements.

General Registrar Office Contact Information:
 Registrar, Kaitlyn Webb
 Address: 87 Commerce St.
 Pulaski, VA 24301-5619
 Phone: 540.985.2111
 Fax: 540.985.2883
 Email: kwebb@pulaskicounty.org

Hours:
 Monday 8:30 am - 4:30 pm
 Tuesday 8:30 am - 4:30 pm
 Wednesday 8:30 am - 4:30 pm
 Thursday 8:30 am - 4:30 pm
 Friday 8:30 am - 4:30 pm

Dates To Remember
 Deadline to register to vote is Monday, Oct. 16, 2017
 Deadline to apply for an Absentee Ballot by Mail is Oct. 31, 2017
 Deadline to apply for an Absentee Ballot in Person is Nov. 4, 2017

Reasons For Not Voting For A New Middle School
 *School Board has 250 million of school building and repair debt now. The only school actually owed are Pulaski Middle and Charles Middle.
 *No Voting Opportunity to Schools: Pulaski County Schools Boardman Act of 2012/2017.
 *School enrollment has fallen 18.2 percent over the last 18 years. In 2006 we had 4,914 students. Since then we have lost 424 students.
 *If approved, Pulaski County cannot borrow at its or maintain any form of a significant amount for 20 years. This is unacceptable for the county in the financial time. This would also affect the county getting a new manufacturing, as there are always companies and people that they would want and Pulaski County would not have the resources for this.
 *If a new middle school is built, there will be a loss of jobs in the school system or other would be no need for 2 principals, and a reduction in summer principals, guidance counselors, address workers and teachers.
 *System Design Study in 2017 projected the following estimates of costs for improving physical, structural and systems in both middle schools:

	Dublin Middle	Pulaski Middle
Physical Improvements	\$1,426,500	\$1,717,500
Structural Improvements	\$1,698,200	\$1,983,000
Systems Improvements	\$2,389,200	\$2,270,200
Total	\$5,513,900	\$5,970,700

 *A 13-cent per \$100 real estate tax increase will continue an upward trend in Pulaski County, while some surrounding counties have decreased and/or leveled off.

Pulaski County's Voting Districts

Comparison of Nominal Real Estate Taxes

Authorized by Electoral Board of the County of Pulaski
 87 Commerce Street • Pulaski, VA 24301

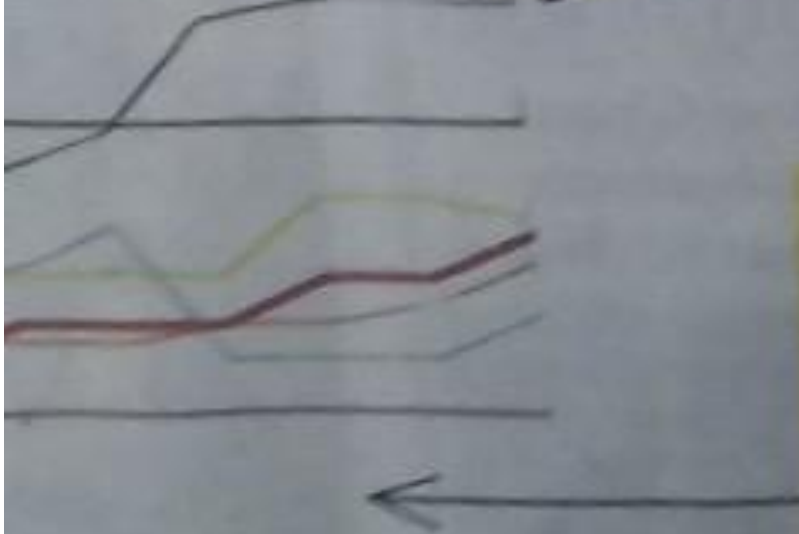
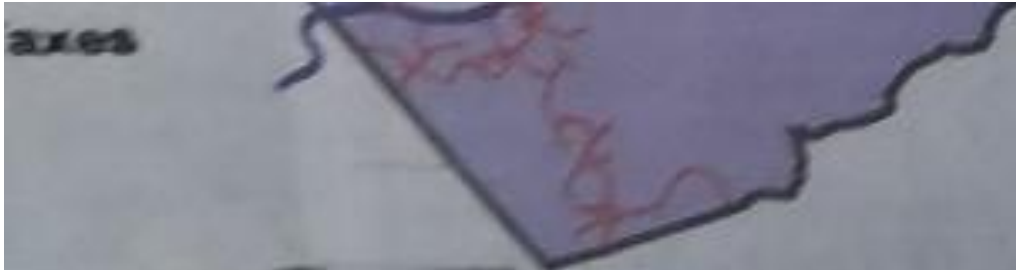
The authority statement printed above must be removed and replaced with the appropriate authority statement for the candidate, committee, individual or group using this ballot for their own purposes. The authority statement used for this ballot must comply with the requirements of either federal or state law, as appropriate. For state requirements, see §24.2-955 of the Code of Virginia. For federal requirements, call the Federal Election Commission, 1-800-424-9530.

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Authorized by Electoral Board of the County of Pulaski
 87 Commerce Street • Pulaski, VA 24301

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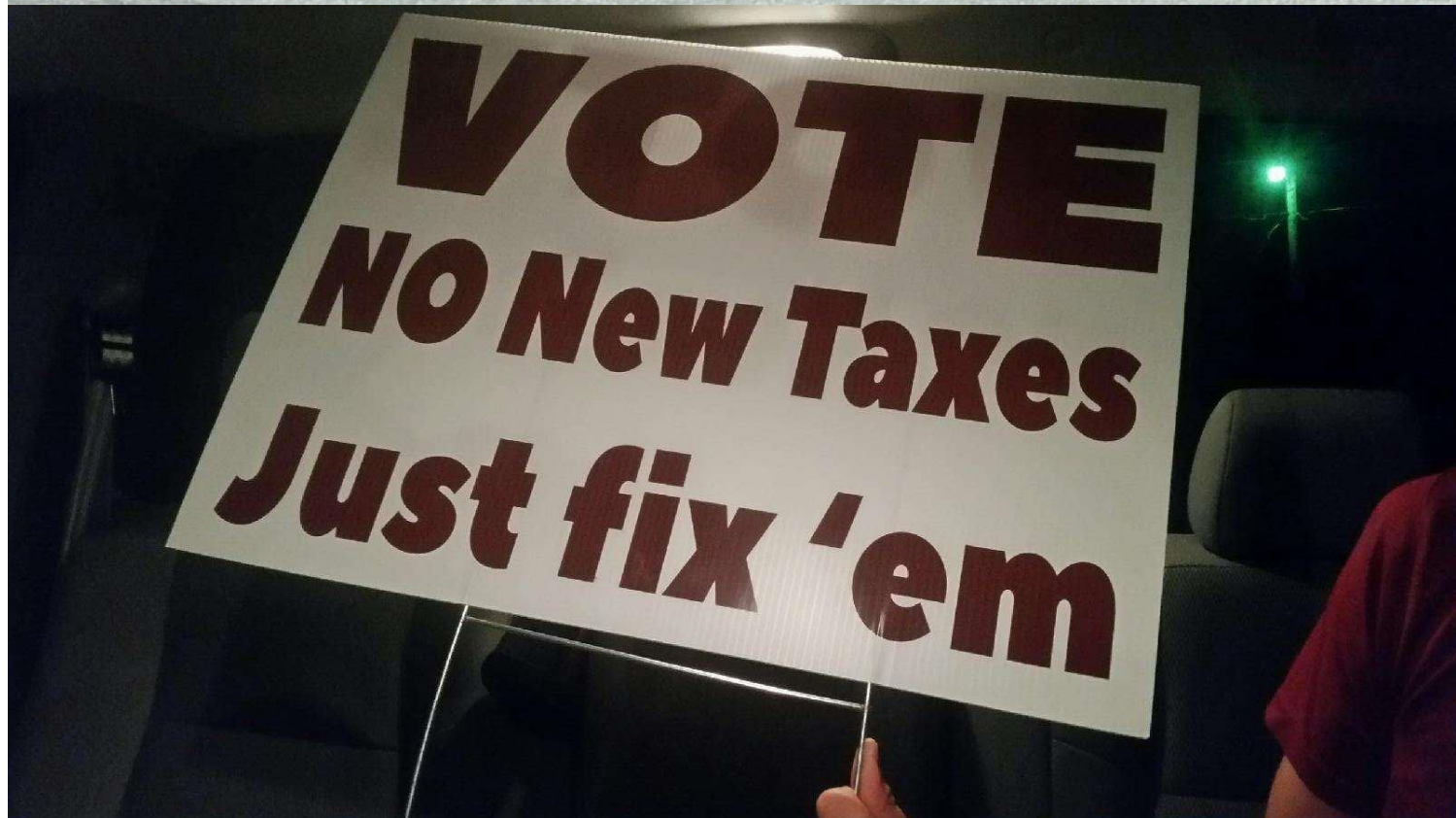
axes



A 13-cent per \$100 real estate tax increase will continue an upward trend in Pulaski County, while some surrounding counties have decreased and/or leveled off.

© 2010 2011 2012 2013 2014 2015

FEES FOR BY PULASKI COUNTY CITIZENS
FOR AN INFORMED COMMUNITY



VOTE NOVEMBER 7TH

COMMONWEALTH OF VIRGINIA
SAMPLE BALLOT
 County of Pulaski
GENERAL AND SPECIAL ELECTIONS
 Tuesday, November 7, 2017

TO VOTE:
 1. USE A BLACK BALL POINT PEN TO MARK THE BALLOT.
 2. COMPLETELY FILL IN THE OVAL TO THE LEFT OF YOUR CHOICE LIKE THIS ●.
 3. TO VOTE FOR A PERSON NOT ON THE BALLOT FOR AN OFFICE, WRITE THE NAME ON THE LINE PROVIDED AND COMPLETELY FILL IN THE OVAL TO THE LEFT OF THAT NAME.

<p>Governor (Vote for only one)</p> <p><input type="radio"/> Ralph S. Northam - D</p> <p><input type="radio"/> Edward W. "Ed" Gillespie - R</p> <p><input type="radio"/> Clifford D. Hyra - L</p> <p><input type="radio"/> Write-In</p> <hr/> <p>Lieutenant Governor (Vote for only one)</p> <p><input type="radio"/> Justin E. Fairfax - D</p> <p><input type="radio"/> Jill H. Vogel - R</p> <p><input type="radio"/> Write-In</p> <hr/> <p>Attorney General (Vote for only one)</p> <p><input type="radio"/> Mark R. Herring - D</p> <p><input type="radio"/> John D. Adams - R</p> <p><input type="radio"/> Write-In</p>	<p>Member House of Delegates 7th District (Vote for only one)</p> <p><input type="radio"/> Flourette M. Ketner - D</p> <p><input type="radio"/> Larry N. "Nick" Rush - R</p> <p><input type="radio"/> Write-In</p> <hr/> <p>Sheriff For unexpired term to end December 31, 2019 (Vote for only one)</p> <p><input type="radio"/> Michael W. "Mike" Worrell</p> <p><input type="radio"/> D. Mike Honaker Jr.</p> <p><input type="radio"/> Brian G. Wade</p> <p><input type="radio"/> Norman W. "Buck" Dowdy II</p> <p><input type="radio"/> Write-In</p> <hr/> <p>School Bond</p> <p>Should the County of Pulaski, Virginia, contract a debt and issue its General Obligation Bonds in the maximum amount of \$47,000,000.00 to finance the acquisition, construction and equipping of a consolidated Pulaski County Middle School and related improvements?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>	<p>Member House of Delegates 12th District (Vote for only one)</p> <p><input type="radio"/> Chris L. Hurst - D</p> <p><input type="radio"/> Joseph R. Yost - R</p> <p><input type="radio"/> Write-In</p>
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If you live in the 12th House District your ballot will have the House candidates listed above.

Authorized by Electoral Board of the County of Pulaski
 87 Commerce Street - Pulaski, VA 24301

The authority statement printed above must be removed and replaced with the appropriate authority statement for the candidate, committee, individual or group using this ballot for their own purposes. The authority statement used for this ballot must comply with the requirements of either federal or state law, as appropriate. For state requirements, see §24.2-955 of the Code of Virginia. For federal requirements, call the Federal Election Commission, 1-800-424-9500.





Clemons, Nikki <nikki.clemons@elections.virginia.gov>

Stand By Your Ad meeting notice

Hale, Ashley <aweddle@email.radford.edu>

Tue, May 15, 2018 at 10:13 PM

To: "Clemons, Nikki" <nikki.clemons@elections.virginia.gov>, "Schneider, Arielle (ELECT)" <arielle.schneider@elections.virginia.gov>

Cc: "tracybelcher2009@gmail.com" <tracybelcher2009@gmail.com>, "Cox, Jean" <jacox@radford.edu>, "wilsonsms@gmail.com" <wilsonsms@gmail.com>, Lora Covey <coveyls5@verizon.net>

Dear Arielle and Nikki,

Please see the letter attached for more details regarding the complaint filed in Fall of 2017. I am providing links to the newspapers with ads that were placed by the Pulaski County Citizens for an Informed Community. The page number of the ad is provided.

<http://pcpatriot.com/wp-content/uploads/2017/09/September-29-2017.pdf> (page 12)

<http://pcpatriot.com/wp-content/uploads/2017/10/October-20-2017.pdf> (page 3)

<http://pcpatriot.com/wp-content/uploads/2017/10/October-27-2017.pdf> (page 12)

I am also including pictures (in 2 separate emails) of signs, banners, and advertisements that were found throughout the county during the campaign.

Thank you for your time,

Ashley Hale

Pulaski County Citizens for Education

From: Clemons, Nikki <nikki.clemons@elections.virginia.gov>**Sent:** Monday, May 7, 2018 4:58:57 PM**To:** Hale, Ashley**Cc:** Schneider, Arielle (ELECT)**Subject:** Stand By Your Ad meeting notice**Dear Ms. Hale:**

Thank you for submitting a complaint about a possible violation of Virginia campaign finance laws. The State Board of Elections is holding a public meeting on Monday, May 21, 2018 at 10:30 A.M. to determine whether a violation has occurred and whether to impose civil penalties. The meeting will be held in Senate Room 3 in the Virginia State Capitol, located at [1000 Bank St, Richmond, Virginia, 23219](#). To get to Senate Room 3, please enter through the main entrance to the Capitol building on Bank Street.

Your presence at this meeting is not required, but you or a representative may attend and/or provide additional information to the Board that may be helpful in regarding this matter.

For more information, please visit the Department website: <http://www.elections.virginia.gov/board> or call the Department of Elections at (804) 864-8901.

Sincerely,

Nikki Clemons

--

Nikki Clemons

Policy Assistant

Virginia Department of Elections

The Washington Building-Capitol Square

1100 Bank Street, 1st Floor

Richmond, VA 23219

Phone: 804-864-8919

Remember - Virginia law now requires photo identification when voting in person.

Department of Elections Email 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 or visit <https://www.elections.virginia.gov/e-mail-disclaimer/index.html>.

12 attachments



IMG_8068.jpg
64K

IMG_0621.jpg
198K

GET READY TO VOTE NOVEMBER 7TH

Step 1.
 Make sure you are registered to vote. Check the map to find your voting district and then verify that you are registered in that district. Go online to the Virginia Department of Elections to verify voter status, locate where in your district to vote, view a sample ballot for your district and register to vote.
<http://www.elections.virginia.gov/>

Step 2.
 Review your ballot. Research candidates and issues using the <http://www.elections.virginia.gov/> website, newspapers, online searches, talking with the candidates, etc. Pulaski County will be using paper ballots this election. Directions are on the ballot.

Step 3.
 Vote. Voting options are explained on the VA Department of Elections website <http://www.elections.virginia.gov/>. If you need special forms they are linked there also. Voting locations and hours are available by clicking on the "Where Do I Vote" link and entering your street address.

If you do not have internet access or need assistance, you can contact your local registrar.

General Registrar Office Contact Information:

Registrar: Kathryn Webb
 Address: 87 Commerce St
 Pulaski, VA 243015619
 Phone: 540-980-2111
 Fax: 540-994-5883
 Email: kwebb@pulaskicounty.org

Hours:
 Monday : 8:30 am - 4:30 pm
 Tuesday : 8:30 am - 4:30 pm
 Wednesday : 8:30 am - 4:30 pm
 Thursday : 8:30 am - 4:30 pm
 Friday : 8:30 am - 4:30 pm

Dates To Remember

Deadline to register to vote is Monday, Oct. 16, 2017

Deadline to apply for an Absentee Ballot by Mail is Oct. 31, 2017

Deadline to apply for an Absentee Ballot in Person is Nov. 4, 2017

Reasons For Not Voting For A New Middle School

- School Board has \$26 million of school building and repair debt now. The only schools actually owned are Pulaski Middle and Dublin Middle.

- Declining Enrollment In Schools:
 Pulaski County Schools Enrollment As Of 9/25/2017

Critzer	466
DES	487
DMS	533
PCHS	1400
PES	532
PMS	406
SES	167
Riverlawn	439
Total	4430

School enrollment has fallen 18.2 percent over the last 10 years. In 2006 we had 4,914 students. Since then we have lost 484 students.

PublicSchoolReview.com

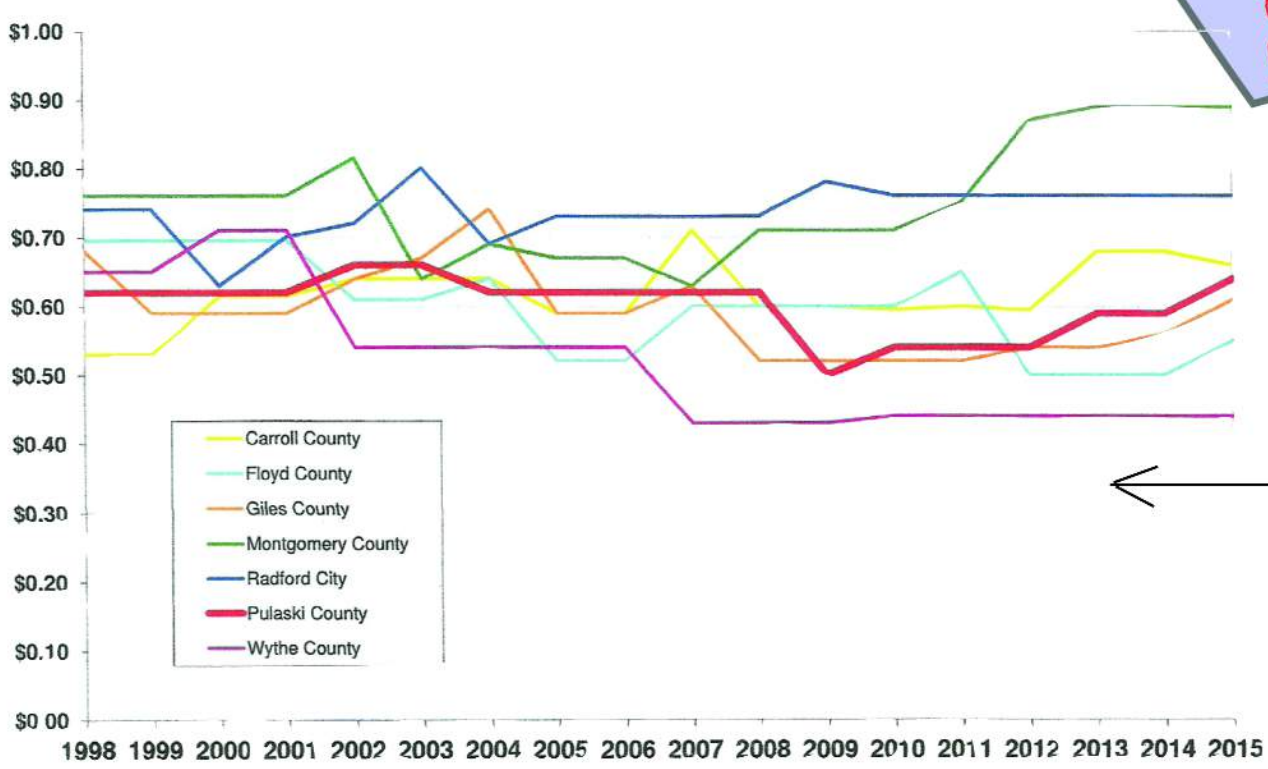
- If approved, Pulaski County cannot borrow or fix or maintain anything of a significant amount for 20 years. This is unreasonable to put the county in this financial bind. This could also affect the county getting a new manufacturer, as there are always concessions and perks that they would want and Pulaski County would not have the resources for this.

- If a new middle school is built, there will be a loss of jobs in the school system as there would be no need for 2 principals, also a reduction in assistant principals, guidance counselors, cafeteria workers and teachers.

- Spectrum Design Study in 2015 provided the following estimates of costs for improving HVAC, electrical and windows in both middle schools:

	Dublin Middle	Pulaski Middle
HVAC Improvements	\$1,420,500	\$1,717,500
Electrical Improvements	\$ 456,523	\$ 563,334
Window Improvements	\$2,303,190	\$2,929,980
Total Improvements	\$4,180,213	\$5,210,814

Comparison of Nominal Real Estate Taxes



A 13-cent per \$100 real estate tax increase will continue an upward trend in Pulaski County, while some surrounding counties have decreased and/or leveled off.

COMMONWEALTH OF VIRGINIA SAMPLE BALLOT County of Pulaski GENERAL AND SPECIAL ELECTIONS Tuesday, November 7, 2017

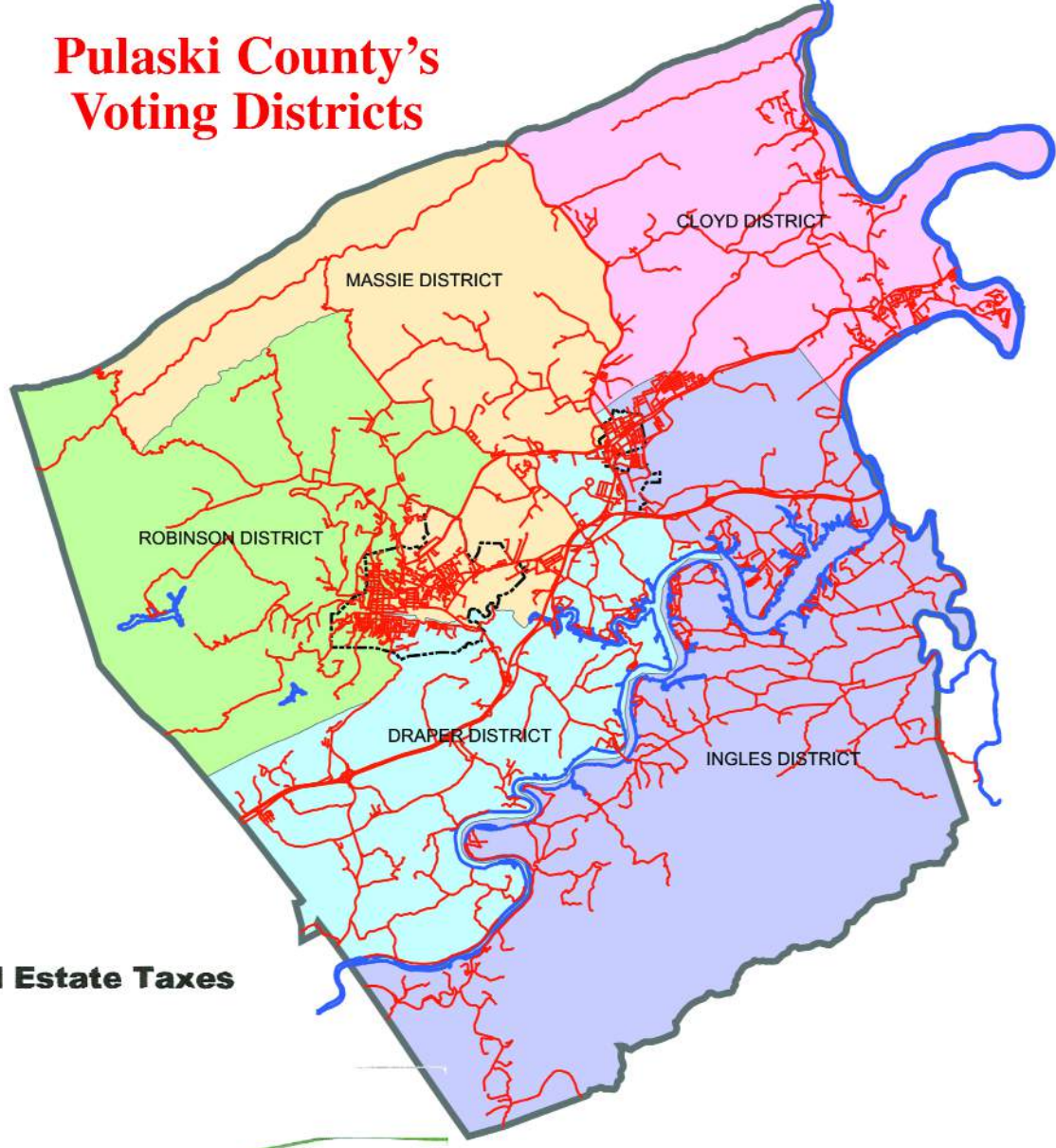
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<p>Governor (Vote for only one)</p> <p><input type="radio"/> Ralph S. Northam - D</p> <p><input type="radio"/> Edward W. "Ed" Gillespie - R</p> <p><input type="radio"/> Clifford D. Hyra - L</p> <p><input type="radio"/> _____</p> <p>Write-In</p>	<p>Member House of Delegates 7th District (Vote for only one)</p> <p><input type="radio"/> Flourette M. Ketner - D</p> <p><input type="radio"/> Larry N. "Nick" Rush - R</p> <p><input type="radio"/> _____</p> <p>Write-In</p>	<p>Member House of Delegates 12th District (Vote for only one)</p> <p><input type="radio"/> Chris L. Hurst - D</p> <p><input type="radio"/> Joseph R. Yost - R</p> <p><input type="radio"/> _____</p> <p>Write-In</p>
<p>Lieutenant Governor (Vote for only one)</p> <p><input type="radio"/> Justin E. Fairfax - D</p> <p><input type="radio"/> Jill H. Vogel - R</p> <p><input type="radio"/> _____</p> <p>Write-In</p>	<p>Sheriff For unexpired term to end December 31, 2019 (Vote for only one)</p> <p><input type="radio"/> Michael W. "Mike" Worrell</p> <p><input type="radio"/> D. Mike Honaker Jr.</p> <p><input type="radio"/> Brian G. Wade</p> <p><input type="radio"/> Norman W. "Buck" Dowdy II</p> <p><input type="radio"/> _____</p> <p>Write-In</p>	<p>↑</p> <p>If you live in the 12th House District your ballot will have the House candidates listed above.</p>
<p>Attorney General (Vote for only one)</p> <p><input type="radio"/> Mark R. Herring - D</p> <p><input type="radio"/> John D. Adams - R</p> <p><input type="radio"/> _____</p> <p>Write-In</p>	<p>School Bond</p> <p>Should the County of Pulaski, Virginia, contract a debt and issue its General Obligation Bonds in the maximum amount of \$47,000,000.00 to finance the acquisition, construction and equipping of a consolidated Pulaski County Middle School and related improvements?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>	

Authorized by Electoral Board of the County of Pulaski
 87 Commerce Street • Pulaski, VA 24301

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Pulaski County's Voting Districts



Holston River Quarry opens new scale house and entrance

The well attended celebration and ribbon cutting, for Holston River Quarry was held on Friday, October 13th to showcase the beautiful and inviting newly designed and landscaped new entrance and scale house, located at 5169 State Park Road Dublin VA. The new entrance will provide trucks with a quicker access to I-81 and make the Quarry more visible to potential customers. Holston River Quarry is a company founded on the basic values of safety, environmental stewardship, and the belief in the core worth of their people. During the ribbon cutting held by Pulaski County Chamber of Commerce, M.J. O'Brien spoke about their employee's dedication and loyalty that has helped them build and grow the business, like employee Dean Dalton, who has worked for the company for 57 years. These are the kind of employees that Holston River Quarry Company has built their success on.



Holston River Quarry had this to say about their investment in Pulaski County, "we are proud to be a major contributor to the growth of Pulaski County and the New River Valley area through employment, supplies of aggregates for homes, industries and local infrastructure, all of which

is needed for continual community development." Pictured are Joe Guthrie, Lisa Webb, Polly Hester, Dean Dalton, Danny Booth, Tony Landreth, Mike Greer, Andy McCready, M.J. O'Brien, Betsy Cook, Jonathan Sweet, Pete Huber, Karen Thompson, Bill Parker, Pat Huber, Shelia Smith, Bill Cunningham, Dr. Knarr, Jennifer Fedenison

Holy Cow

Antiques, Gardens and Great Finds - A Blend Of Old And New!

1801 Wysor Road (Rt. 100 South) Exit 89A From I-81 Draper, VA. 24324 540-250-1775

Fall Into Christmas! Holiday Open House Nov. 4-5

Fall Wreaths, Flowers and Greenery; Unique Home, Garden & Gift Items; Jewelry; Accessories; Furniture; Primitives; Vintage, Shiny New!

Hours: Fri. & Sat. 10 a.m.-5:30 p.m.; Sundays 1-5 p.m.

BIG INSIDE

Yard & Bake Sale

Saturday, Oct. 21 8 a.m. Until ???

Hot Dog Plates With Homemade Chili, Slaw, Baked Goods And Breakfast Biscuits!

VFW Post 1184

Corner Dora Highway & Washington Ave. Pulaski (Across from Train Station)

WRONG SCHOOL, WRONG LOCATION, WRONG TIME, WRONG TAX

Is This the Right Middle School for Pulaski County?

Some Pulaski County residents think the proposed middle school is too expensive compared to schools recently built in other school districts. The chart below uses the cost per square foot to build those middle schools taken from a recent Letter to the Editor in the Patriot and also compares the ability to pay and district population.

What would it cost to build a 162,000 square foot Middle School in other districts?

School District	Cost/sq. ft.	Total Cost for 162,000 sq. ft Middle School
Average cost in VA, DE, WV, MD	\$225	\$36,450,000
Suffolk County	\$201	\$32,562,000
Bedford County	\$239	\$38,718,000
Williamsburg	\$198	\$32,076,000
Loudoun County	\$275	\$44,550,000
Pulaski County	\$290	\$46,980,000

Can Pulaski County Citizens Afford a 20.3% real Estate Tax Increase? (\$0.13 per \$100/\$0.64 per \$100 = 0.20312 = about 20.3%)

Some Pulaski County citizens cannot afford to pay their real estate taxes now. Currently 22,000 tax tickets are mailed twice a year to citizens that own parcels of land in Pulaski County. As of September this year 1,897 parcels were listed with delinquent taxes. Some parcels have several years of uncollected real estate taxes, and the owners are at risk for losing their property.

Why don't they just pay it? (the delinquent real estate tax)

Some of our elderly residents retired 20 or 30 years ago and receive social security checks based on much lower incomes than today.

Social security cost of living adjustments do not keep up with expenses.

Social Security Cost-Of-Living Adjustments (COLA)

Year	COLA
2007	2.3%
2008	5.8%
2009	0.0%
2010	0.0%
2011	3.6%
2012	1.7%
2013	1.5%
2014	1.7%
2015	0.0%
2016	0.3%
2017	2.0%

Some families have medical and other expenses that drain their monthly income. Most people would agree that no one should have to choose between keeping their property and buying their medicine or obtaining the health care they need. The poverty line in Pulaski County is 13.5%. Many of our students qualify for free or reduced lunches. Unemployment rates in Pulaski County are generally higher than in Virginia and in the U.S. overall. In 2015 the unemployment rate was 5.7%; in 2016 it was 4.99% Projected growth for Pulaski County is 0.79%

Wrong School, Wrong Location, Wrong Time, Wrong Tax!

Statistics Published by the Bureau of Labor Statistics

Is this a safe location for the proposed new middle school?

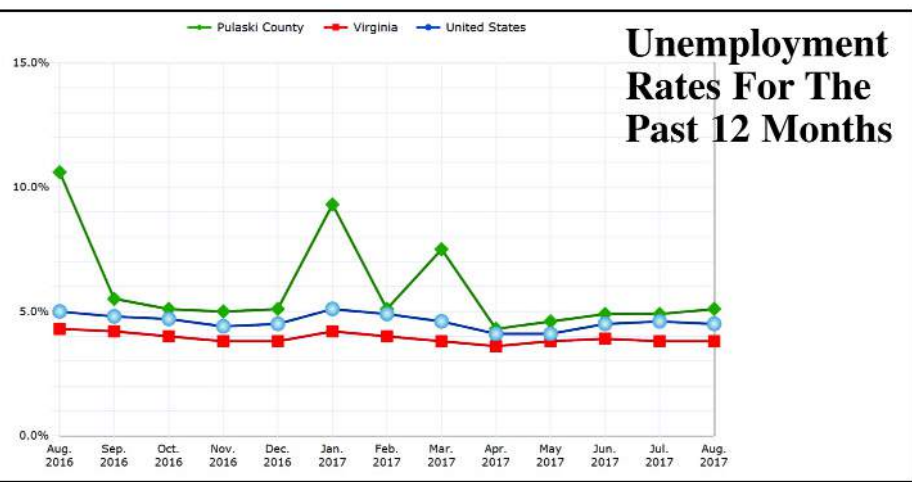
Automobile Crashes on Route 11 between Cougar Trail Road and Hatcher Road (0.6 miles) 1/1/2011 to 6/22/2017

Year	Crashes	Fatalities	Injuries
2011	106	0	56
2012	101	2	54
2013	105	2	65
2014	97	2	28
2015	104	0	56
2016	96	0	30
2017	48	1	24
Totals	657	7	313

Virginia State Police data obtained from the Division of Motor Vehicles

There are currently 3 traffic lights in the 3.5 mile section of Route 11 between Memorial Drive (Walgreen's in Pulaski) and Cougar Trail Road (Pulaski County High School.) An additional traffic light at the proposed middle school entrance will add to the traffic congestion and commute time. Concerns have been raised about the further development of the area around the proposed middle school site possibly adding 600 or more new homes and apartments, increasing the traffic congestion.

Will someone be responsible for supervising students as they cross four lanes of traffic to walk to and from the proposed new middle school? Will there be a plan to increase supervision when I-81 traffic is rerouted to Route 11 due to construction and accidents? Some students will shop at nearby stores while attending school events and will need supervision and assistance when crossing Route 11 before, during, and after the events.



Vote NO November 7th

101
Paid for by Pulaski County Citizens For An Informed Community

Our Middle Schools

The Inconvenient Truth: How We Got Here

1 - Who is responsible for the maintenance of our schools?

State law #22.1-79 holds the School Board legally responsible.

2- The School Board has stated they do not have enough money to maintain our schools.

Yet the School Board has unspent surplus funds of \$729,787 in 2013, \$493,661 in 2014, \$181,474 in 2015, \$377,370 mid-year 2015, \$600,958 in 2016, and \$512,413 in 2017 for a total in the last five years of \$2,895,663. This is not bad, but a portion of this money could have been spent on middle school maintenance if the School Board had decided to.

3 - The School Board spent \$300,000 for interior renovations at Critzer Elementary this summer.

This included new paint, floor coverings, LED lights and ceiling tiles.

4 - Since the School Board is willing to renovate an elementary school, and it has surplus funds, why would they not spend any of this money for renovations at our middle schools?

Because the current and previous School Boards are pushing their political agenda, that the middle schools are bad, beyond repair and thus a new consolidated middle school is the ONLY option.

School Board Chairman Tim Hurst told the County Board of Supervisors this April that Pulaski County "should be ashamed of our middle schools." No, Mr. Hurst, the voters and taxpayers are ashamed of our School Board's failure to maintain our middle schools. Further, we are angry that the School Board is using our middle school students and teachers as pawns to advance its political agenda.

What The School Board Wants

1 - The proposed new consolidated middle school is estimated to cost \$47 million. Why is this amount so high?

According to the School Board, the cost is due to minimum program requirements brought forth by the "experts" on the Pulaski County Middle School Programs Committee (the word "expert" was used by a School Board member at a recent public meeting when referring to the Committee).

2 - Who were the "experts" on this committee?

Pulaski County Middle School Principals, Pulaski County teachers, parents who were likely to support the School Board's position, and elementary school students. The Programs Committee was chaired by School Superintendent Dr. Kevin Siers. In addition, architects from RRMM were on the committee.

3 - Who selected the Programs Committee members?

The School Board and Superintendent.

4 - What features in the new middle school have driven the cost up?

Large, two-story glass atriums at the end of each grade wing, two gymnasiums, two full-size soccer fields, one football field (graded into a stadium form), an asphalt track around the football field, one baseball field and on softball field.

5 - Is it true the new middle school does not have a cafeteria?

Correct. The students will eat in the hallway / common area between the main office and classrooms.

6 - Will \$47 million build the complete school?

No, the football field does not have restrooms, locker rooms, press box, under field drainage, no irrigation and no lights. The soccer, baseball and softball fields do not have any restrooms, nor lights or other support facilities.

7 - Have there been any third-party reviews done for the proposed new middle school?

Yes, the Board of Supervisors brought in an architect to audit RRMM's figures. That architect's opinion was that building the consolidated middle school as designed would cost \$50.5 million. The School Board has guaranteed to the Board of Supervisors and the public that they think they can build it for the \$47 million.

8 - What happens if the bids come back and the School Board cannot build it for \$47 million?

The School Board will be forced to cut items from the new school design.

9 - Why couldn't the new middle school be built at Pulaski County High School?

The School Board has said the site does not have high enough visibility; they want the new school along a highway so the public can see it. Also, there is not the 55 acres of land the School Board wants to get all the sports fields in at the high school site.

10 - Has the School Board offered to make any cuts to its budget to help pay for the new school, so taxes do not have to be raised up to 13 cents to pay for it?

No.

The best lesson we as parents can teach our children is to not live beyond their means. We cannot burden our taxpayers with a legacy of debt.

A New Middle School Is NOT The Only Option

The Pulaski County School Board has priced several options besides building a new school. The School Board has been trying to keep these choices quiet, but we want to let you know about them:

1 - Renovate both middle schools.

Replace all windows, add new heating and air-conditioning systems and upgrade electrical systems to support the improvements. Replace lights and abate asbestos in the improved areas. Costs: Dublin Middle, \$4,180,213 and Pulaski Middle, \$5,210,814. Total: \$9,391,027.

2 - How much would taxes go up to pay for a \$9.3 million project?

Real estate taxes would increase 2.5 cents per hundred.

3 - If these renovations were only done at Dublin Middle, how much would taxes increase?

Taxes would increase by one penny.

4 - Does the School Board have any other estimates to renovate Dublin Middle School?

Yes, the OWPR study in May 2013 estimated a cost to renovate DMS from top to bottom was \$13,958,102. This amount was without any building additions. We suggest the School Board listen to the school teachers who are members of our group who recommend placing Sixth Grade students back in the elementary schools. This will improve efficiency and utilize unused space at the elementary schools and will also eliminate the need for a building addition if the School Board chose to only renovate one middle school.

5 - How much would taxes need to go up for a \$14 million investment?

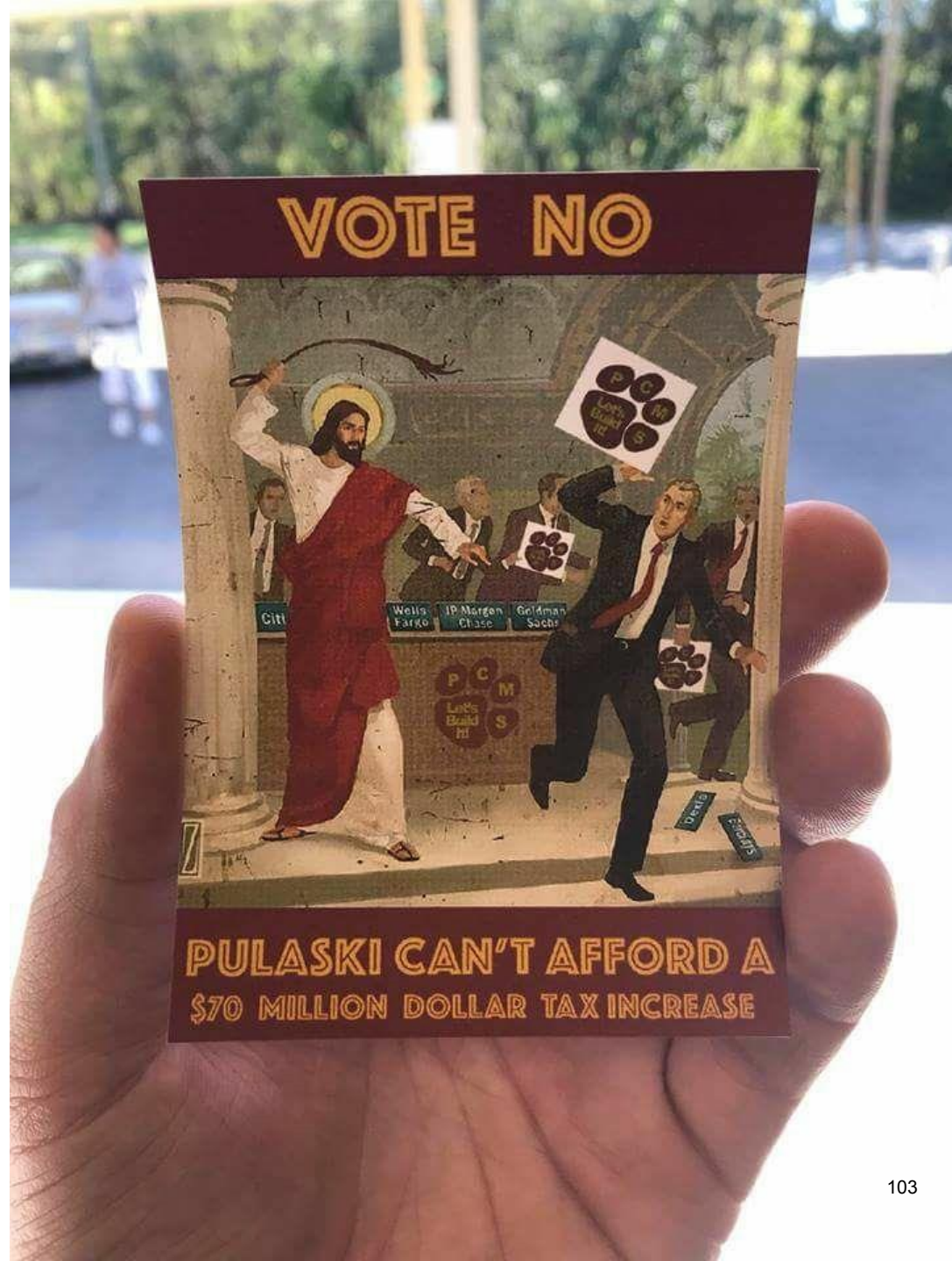
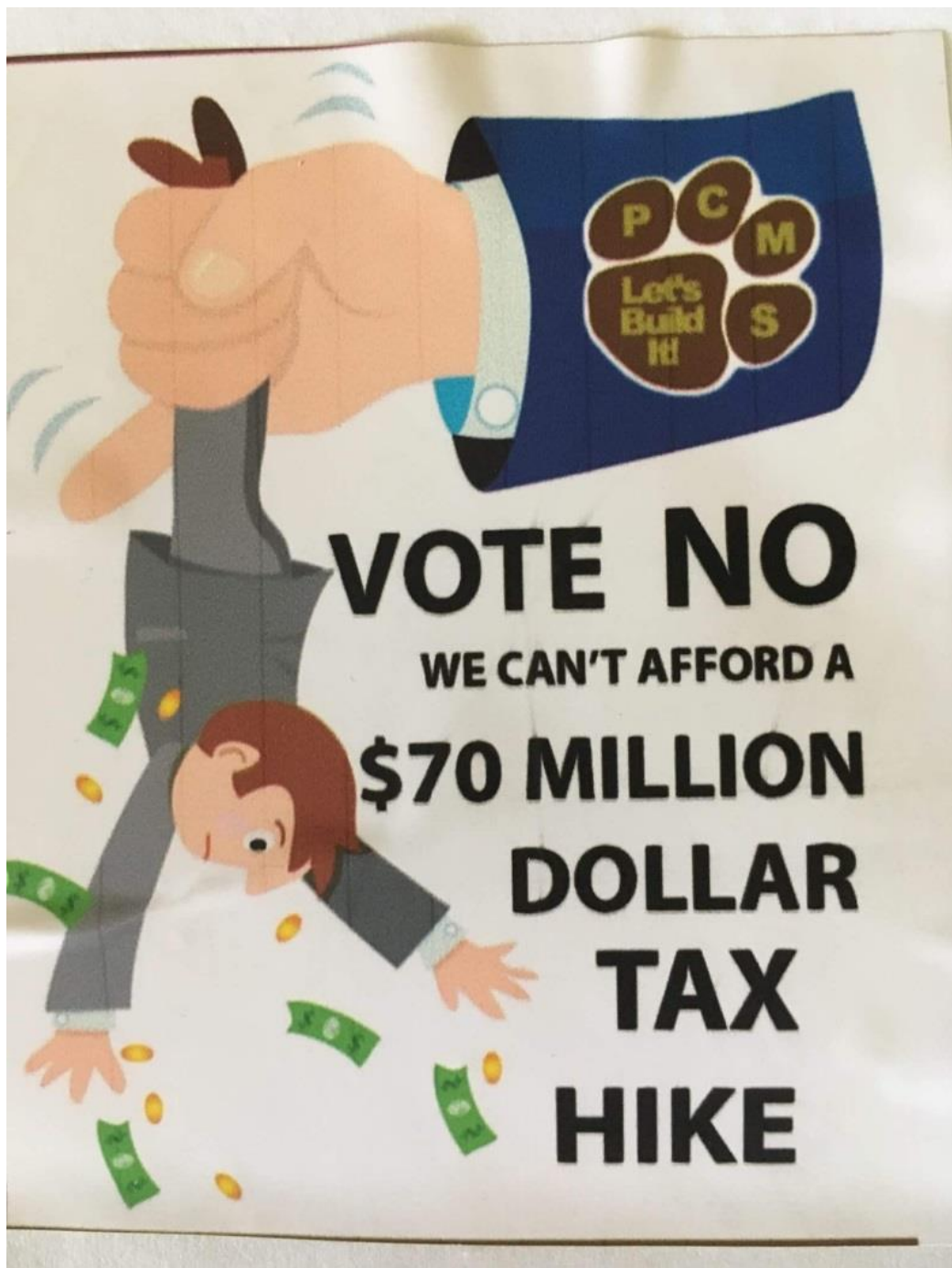
Taxes would increase 3.9 cents.

6 - Would either of these improvements meet the needs of our middle school students?

Yes, except the athletic facilities would not be as extensive as in the proposed new consolidated new school. Remember Northwood Elementary has been successfully renovated and is now the regional Governor's School.

**VOTE
NO
ON NOV. 7TH**

The information in this ad was gathered from Freedom of Information requests, County and School Board web sites, speeches and statements made by past and current School Board members, social media posts by School Board members, and attendance at various School Board and Board of Supervisors meetings.





Linda Pinkard Grantham

13 minutes ago · 🌐

Pulaski County year 2028 well they passed that tax bill for a new school and nobody has money for their bills and taxes. They even gave up their big mac but that didn't help at all. Don't let this happen to our citizens. VOTE NO NEW TAXES, JUST FIX EM

Memaw Can Eat Cat Food!
VOTE YES FOR PCMS





RECOMMENDATION: Pulaski County Citizens for an Informed Community

ELECTION Referendum (middle school) ; November 7, 2017
TYPE Yard signs (and newspaper advertisements)
SPONSOR TYPE other committee
DISCLOSURE required
DISCLOSURE missing – on yard signs
missing – authorization statement missing on sample ballot (did not
replace EB)

\$100/violation (doubled due to proximity to election)

Signs (unknown number) + newspaper ads

Recommended Motion: I move, subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find Pulaski County Citizens for an Informed Community in violation of §24.2-956 Stand By Your Ad print media disclosure requirements, and is hereby fined \$600.

10. Schleeper for City Council



RECOMMENDATION: Schleeper

ELECTION	Chesapeake City Council; May 1, 2018
TYPE	Yard signs (Throughout the county)
SPONSOR TYPE	Candidate/Candidate Campaign
DISCLOSURE	<u>required</u>
DISCLOSURE	<u>missing</u>

\$100/violation (doubled due to proximity to election)

Signs (four reported)

Recommended Motion:

I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Schleeper for City Council in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to an unknown number of advertisements, and is hereby fined \$400.

11. Tim McPeters for Commissioner of the Revenue



***CUSTOMER SUPPLIED ARTWORK**



Paid for and authorized by Friends of Tim McPeters

victoryStore.com	SIZE: 48x48	PRODUCT: Corrugated Plastic Sign	COLOR(S): Kelly Green
	DISCLAIMER: YES (at .27" tall)	VICTORYSTORE.COM COPYRIGHT: NO	
	REP: PG	DESIGNER: SG	REVISIONS: 0

PLEASE REVIEW THIS PROOF CAREFULLY

- It is the customer's responsibility to ensure the proof is correct in all areas.
- Review the spelling, layout and design before approving artwork.
- If a proof containing errors is approved by the customer, the customer is responsible for payment of all original costs of printing, including corrections and reprints.
- The customer is 100% responsible for approvals of Copyright, Trademark and Licensing Agreements of artwork.
- Customer's approval is contractually binding for payment of all services. All artwork must be approved by the customer.

PROOFING INSTRUCTIONS

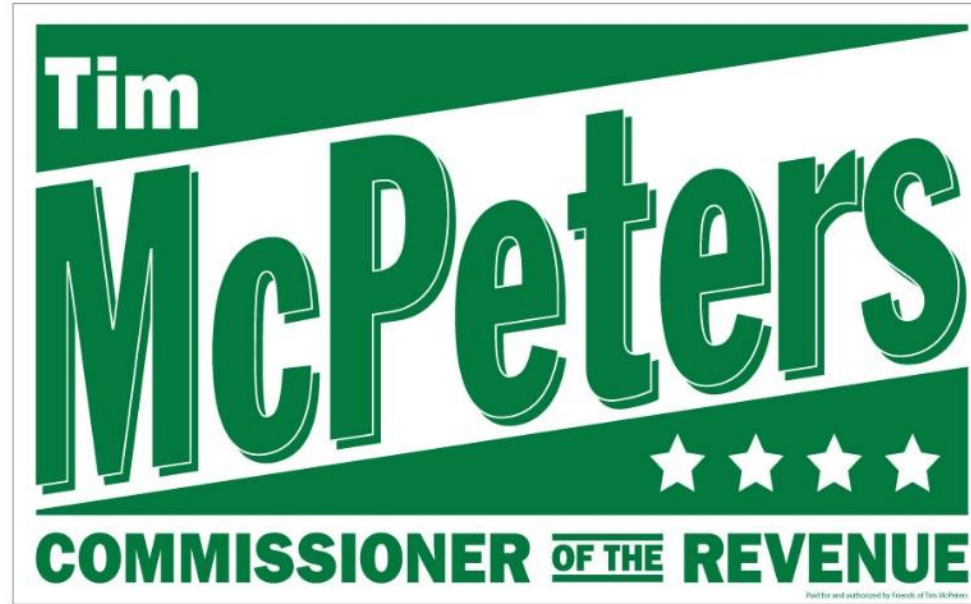
From a Computer: Click View Proof, then go to the right hand pane. = APPROVE or = REJECT

From a Cell Phone: Click View Proof, then click the white message circle top, ride side. = APPROVE or = REJECT

- For either viewing process, a Comment box is available. Or, you may also mark-up your revisions by clicking Annotate and using the tools provided. Attachments can also be added through the comments section.

DISCLAIMER IS 15PT (.15 INCHES TALL)

***CUSTOMER SUPPLIED ARTWORK**




Paid for and authorized by Friends of Tim McPeters


victoryStore.com	SIZE: 26x16	PRODUCT: Polybag Sign	COLOR(S): Kelly Green
	DISCLAIMER: YES	VICTORYSTORE.COM COPYRIGHT: NO	
	REP: PG	DESIGNER: SG/AE	REVISIONS: 2

PLEASE REVIEW THIS PROOF CAREFULLY

- It is the customer's responsibility to ensure the proof is correct in all areas.
- Review the spelling, layout and design before approving artwork.
- If a proof containing errors is approved by the customer, the customer is responsible for payment of all original costs of printing, including corrections and reprints.
- The customer is 100% responsible for approvals of Copyright, Trademark and Licensing Agreements of artwork.
- Customer's approval is contractually binding for payment of all services. All artwork must be approved by the customer.

PROOFING INSTRUCTIONS

 From a Computer: Click View Proof, then go to the right hand pane. = APPROVE or = REJECT

 From a Cell Phone: Click View Proof, then click the white message circle top, ride side. = APPROVE or = REJECT

- For either viewing process, a Comment box is available. Or, you may also mark-up your revisions by clicking Annotate and using the tools provided. Attachments can also be added through the comments section.

RECOMMENDATION: Tim McPeters

ELECTION	Chesterfield County Commissioner of the Revenue; November 7, 2017
TYPE	Yard signs (Throughout the county)
SPONSOR TYPE	Candidate/Candidate Campaign
DISCLOSURE	<u>required</u>
DISCLOSURE	<u>present</u>

Recommended Motion: I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Tim McPeters not in violation of Stand By Your Ad print media disclosure requirements.

12. Virginia Gov Facts



Suggested Post



VA Gov Facts

Sponsored • 🌐

LIKE PAGE

BREAKING: Democracy for America announces end of "direct aid" for Northam in VA gubernatorial race after anti-immigrant comments



Democracy for America : DFA announces end of "direct ai...

This afternoon, following comments backtracking from support for immigrant families, D...

democracyforamerica.com

😬😞 2

12 Comments • 3 Shares

👍 Like 💬 Comment ➦ Share



Patrick Zummo ▶ **BMW i3 Worldwide Group**

15 minutes ago • 📍

RECOMMENDATION: VA Gov Facts

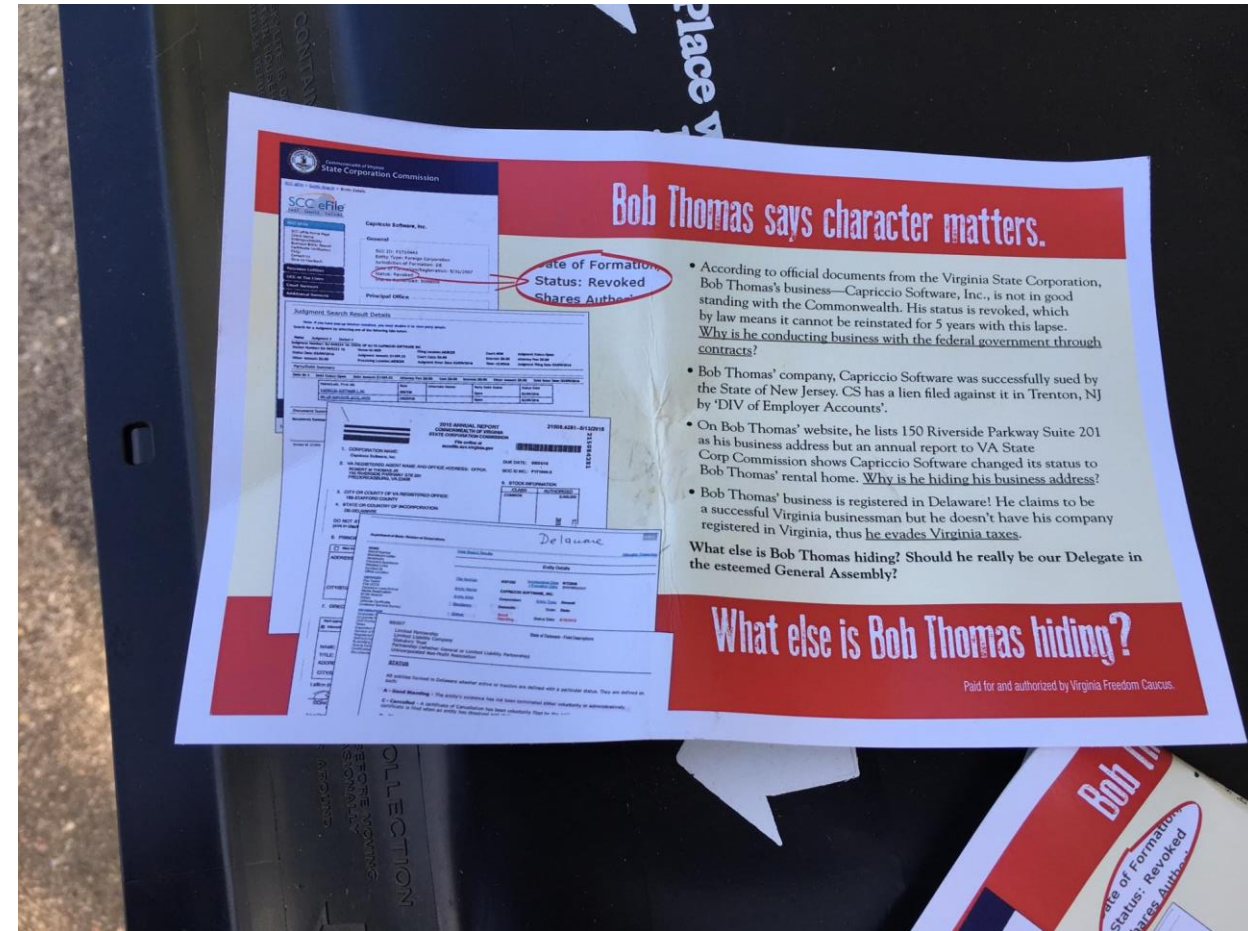
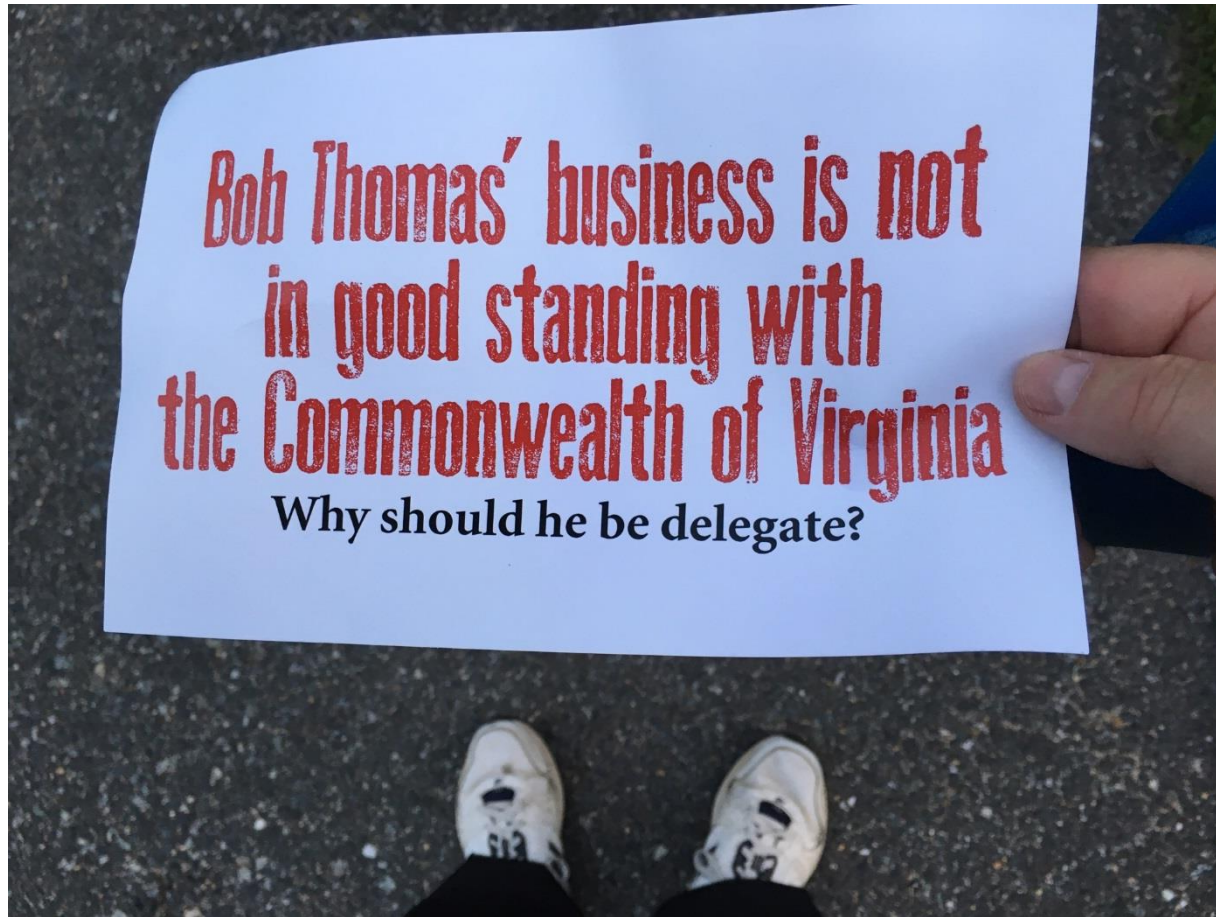
ELECTION	Gubernatorial race; November 7, 2017
TYPE	Facebook ad
SPONSOR TYPE	other (unknown)
DISCLOSURE	<u>not required: express advocacy issue</u>

\$100/violation (doubled due to proximity to election)

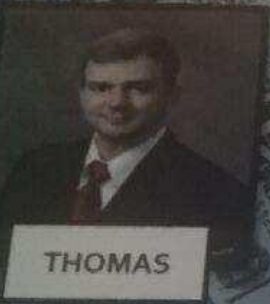
Signs (four reported)

Recommended Motion: I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Va Gov Facts not in violation of Stand By Your Ad print media disclosure requirements.

13. Virginia Freedom Caucus



Who Raised your taxes while a Supervisor?



THOMAS



STIMPSON



MILDE

The Monte Family
3 Allen Ct
Fredericksburg VA 22405-3456

Post Paid
U.S. Postage
PAID
Fredericksburg, VA
Permit No. 135

1748 - 1

MILDE	THOMAS	STIMPSON
<ul style="list-style-type: none"> ◇ Made the motion and it passed for tax hike. RO6-186 (4/26/26) ◇ Made the motion and it passed for tax hike. RO7-157 (4/24/07) ◇ He raised a tax on the Garrisonville and Warrenton Road districts (April 2006), he made a motion to raise taxes by 3 pennies in 2007 (April 24, 2007 meeting minutes page 2) and, his largest tax hike was his first year on the Board, 2006. He made the motion for a 15 penny tax hike, over \$5 million. ◇ As Chairman in 2017 he repeated the previous Chairman's action and went back to the very expensive Airlie Resort outside the county of Stafford for an overnight meeting all one the taxpayers dime. 	<ul style="list-style-type: none"> ◇ FY15 Budget voted for 1/2 cent increase in the budget ◇ FY16 Raised overall real estate taxes by \$.03 while Chairman ◇ <i>"Tolls solve problems"</i> quote from Fire-House Debate May 8 2017 ◇ As Chairman in 2016 he took the board and county staff to an hour away resort Airlie. While at the overnight meeting Mr. Thomas led the Board to vote to NOT advertise the equalized rate -- a rate that shows revenue as neutral -- and only advertise the effective rate, which does not display a tax increase until homeowners received their tax bill. All of this lack of transparency was done on the taxpayers dime. 	<ul style="list-style-type: none"> ◇ Cut overall real-estate taxes 3 years in a row, 7 cents below the equalized rate (STIM) ◇ Abolished the business tax (BPOI.) ◇ Zero'd out the boat tax and the Rt 17 tax district ◇ Eliminated Fairmouth/George Washington District Impact Fees ◇ In 2010, 2nd consecutive budget less than the year before (not done since 1965) ◇ Rolled back general admin staff to 2004 levels ◇ Signed the tax pledge by <i>Americans</i> for Tax Reform http://www.atr.org/about-the-pledge ◇ As Chairman of the Board had all meetings in public and within the county so the public could attend the meetings. Usually at Stafford Hospital or the County ABC Conference room ◇ Implemented an official Freedom of Information Policy and instituted county email addresses for Supervisors (instead of their personal ones) to conduct county business. TRANSPARENCY. ◇ She ensured RECORDED votes of committee meetings and meeting minutes under her Chairmanship.
<p>Milde and Thomas are responsible for the new fee at the landfill</p>		

Paid for and Authorized by Virginia Freedom Caucus • www.virginiafreedomcaucus.com

RECOMMENDATION: Virginia Freedom Caucus

ELECTION	Primary for 29 th House of Delegates (R); June 13 2017
TYPE	mailings and emails
SPONSOR TYPE	(Virginia Freedom Caucus has not registered as a PAC or reported)
DISCLOSURE	<u>required</u>
DISCLOSURE	<u>insufficient under 24.2-956.1</u> In an advertisement supporting or opposing the nomination or election of one or more clearly identified candidates, the sponsor states whether it is authorized by a candidate. The visual legend in the advertisement shall state either “Authorized by [name of candidate], candidate for [name of office]” or “Not authorized by a candidate.”
	\$100/violation (doubled due to proximity to election) (I believe should be doubled due to circumstances and electioneering content of the ads.)
	Mailings (evidence provided for two mailings; another email reported)
Recommended Motion:	I move, subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find Virginia Freedom Caucus in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to three advertisements, and is hereby fined (SBE discussion).

Television

1. Gillespie for Governor
2. Northam for Governor

Ed Gillespie for Governor

1. Ralph Northam Doesn't Deserve a Promotion

https://youtu.be/f8P6x_KcGGI



2. Ralph Northam's Policies are Dangerous

<https://youtu.be/T0UiqMDbpAw>



3. Tough on Crime

<https://youtu.be/IgRYsBrUbdQ>





Clemons, Nikki <nikki.clemons@elections.virginia.gov>

Re: SBYA complaint re television ads

Schneider, Arielle <arielle.schneider@elections.virginia.gov>
To: Chris Bolling <chris@vademocrats.org>
Cc: Nikki Clemons <nikki.clemons@elections.virginia.gov>

Wed, May 9, 2018 at 10:38 AM

Chris,

Thank you. This email is in regard to your SBYA tv ad complaint; when I reviewed your complaint and submitted evidence, I did not see records of where/when/by what station the ads were aired. As you know, the State Board of Elections has not publicly heard a complaint regarding television advertisements in some time, so I am reaching out to any complainant that submitted a complaint alleging a TV ad violation to ensure each is aware that penalties assessed for the content of an tv ad relate to the number of occurrences that the ad was actually shown/transmitted/broadcasted on television.

If you have records from the broadcasting companies or other documents that would assist the Board by indicating whether, when and how often the ads in question appeared on television in the Commonwealth, feel free to send them to me or Nikki.Clemons@elections.virginia.gov so that they can be provided to the Board for consideration. Please let me know if you have any questions - thank you!

Sincerely,
Arielle Schneider

On Tue, May 8, 2018 at 6:01 PM, Chris Bolling <chris@vademocrats.org> wrote:
Arielle, could you send over your questions in email and I'll be able to respond to them.

On Tue, May 8, 2018 at 10:43 AM, Schneider, Arielle <arielle.schneider@elections.virginia.gov> wrote:
Mr. Bolling,

I'm reviewing the complaint you submitted on September 29, 2017 (attached) regarding television ads lacking the proper disclaimers. I have a few questions for you; is there a time we could have a brief conversation later today?

Thank you,
Arielle Schneider

--

Arielle A. Schneider
Chief FOIA Officer and ELECT Policy Analyst
Virginia Department of Elections
o: (804) 864-8933
f: (804) 371-0194

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--
Chris Bolling
Executive Director

5/9/2018

Commonwealth of Virginia Mail - Re: SBYA complaint re television ads

Democratic Party of Virginia
804.909.1028

--

Arielle A. Schneider
Chief FOIA Officer and ELECT Policy Analyst
Virginia Department of Elections
o: (804) 864-8933
f: (804) 371-0194

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RECOMMENDATION: Gillespie

ELECTION	Gubernatorial race, November 7, 2017
TYPE	Television advertisements
SPONSOR TYPE	Candidate/Candidate Campaign
DISCLOSURE	<u>required</u>
DISCLOSURE	<u>disclosure obscured</u>

Recommended Motion: I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Gillespie for Governor in violation of Stand By Your Ad television disclosure requirements with regard to three advertisements, and is hereby fined (SBE).

Northam for Governor

<https://www.youtube.com/watch?v=r1pehlpRvo8&feature=youtu.be>

Clemons, Nikki <nikki.clemons@elections.virginia.gov>

Fwd: TV Stand By Your Ad Complaints

Schneider, Arielle <arielle.schneider@elections.virginia.gov>
To: Nikki Clemons <nikki.clemons@elections.virginia.gov>

Thu, May 17, 2018 at 12:19 PM

Add please

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

From: **Chris Marston** <chris.marston@gmail.com>

Date: Thu, May 17, 2018 at 12:15 PM

Subject: Re: TV Stand By Your Ad Complaints

To: "Schneider, Arielle (ELECT)" <Arielle.Schneider@elections.virginia.gov>Cc: JBerkon@perkinscoie.com

Thanks for your offer to forward information to the Board for us.

I've attached a letter to the Board.

Thanks

Chris

On Wed, May 16, 2018, 1:47 PM Schneider, Arielle <arielle.schneider@elections.virginia.gov> wrote:

Chris,

Thanks for your email. I am happy to answer any questions you may have regarding the complaints before the Board. However, I cannot help you in resolving the complaint outside the SBE meeting at this point in the process. As the complaints are before the State Board of Elections, any request to resolve these complaints before or outside of the meeting should be directed to the State Board of Elections. I would recommend that you send any statement or item which you wish the Board to consider via email; I will immediately alert the Chair of the State Board of Elections, James Alcorn and request that he take a look ASAP.

Please let me know if you have any additional questions and I apologize for only being able to offer limited assistance in this regard.

Thank you,
Arielle

On Wed, May 16, 2018 at 11:05 AM, Chris Marston <chris.marston@gmail.com> wrote:

Ms. Schneider,

Thank you for reaching out regarding the TV Stand By Your Ad complaints on next Monday's SBE agenda.

Jon Berkon, copied on this message, and I have spoken, and we hope we might be able to resolve the complaints the two party committees filed regarding the ads by the other party's gubernatorial nominee. As you may know, Jon is counsel to the Democratic Party of Virginia and I'm counsel for the Republican Party of Virginia.

At this point, neither of us is interested in pursuing the complaints and we'd like to help the Board and the Department resolve them without expending any more time or resources than necessary.

Would you have time for a brief phone conversation this afternoon?

Perhaps 3:30 pm would be convenient?

Thanks,
Chris

--

Chris Marston

571-482-7690 | 703-997-2549 (fax)

--

Arielle A. Schneider
Chief FOIA Officer and ELECT Policy Analyst
Virginia Department of Elections
o: (804) 864-8933
f: (804) 371-0194

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--

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 **17052018Joint Letter signed.pdf**
2613K

May 17, 2018

James B. Alcorn, Esq.
Clara Belle Wheeler
Singleton B. McAllister, Esq.
State Board of Elections
1100 Bank Street, First Floor
Richmond VA 23219

VIA E-mail

Dear Board Members,

We write as counsel to the Democratic Party of Virginia and the Republican Party of Virginia regarding the Television Stand By Your Ad hearings on the agenda for your May 21 meeting.

Each of our political party committees filed complaints against the other party's nominee for Governor in the 2017 election, which are on your docket.

In reviewing those complaints with the benefit of hindsight and taking into account the numerous ads produced during the course of this election (and past elections) – and in analyzing this Board's precedents – we now believe that all of the ads in question “substantially comply” with Title 24.2 of Virginia law. Accordingly, the Board should dismiss the complaints and find that no violation occurred.

This Board has made clear that campaigns do not violate the “Stand by Your Ad” provisions of Virginia law so long as they “substantially comply” with those provisions.¹ “Substantial compliance” is achieved “if the words used in the disclosure statement *unambiguously* convey the information required by Chapter 9.5.”²

The ads in question meet this standard:

- The ads in question include the statement “Paid for by [name of candidate or campaign committee],” as required by Section 24.2-957.1(1).
- The ads in question include the disclosure statement spoken by the sponsoring candidate containing at least the following words, “I am (or ‘This is’) [Name of candidate], candidate for [Name of] office, and I (or ‘my campaign’) sponsored this ad,” as required by Section 24.2-957.1(2).

¹ See November 16, 2015 Supporting Documents for Campaign Finance Violations at 3, Va. Dep’t of Elections Board Meeting Archive, *available at* <https://www.elections.virginia.gov/Files/Media/Agendas/2015/2015116SupportingDocuments-Violations.pdf>

² See 2016 Substantial Compliance Memo, Va. Dep’t of Elections (Jan. 8, 2016), <https://www.elections.virginia.gov/Files/Media/Agendas/2016/20160108BoardMemo%20-SubstantialCompliance.pdf> (emphasis in original).

- The ads in question include throughout the disclosure statement a full-screen picture containing the candidate, either in photographic form or through the actual appearance of the candidate on camera, as required by Section 24.2-957.1(3).

The complaints raised only one concern – whether the full-screen picture of the candidate required by subsection (3) was “unobscured” throughout the disclosure statement. The term “unobscured” means that “the only printed material that may appear on the television screen is a visual disclosure statement required by law, and that nothing is blocking the view of the disclosing person’s face.”³ But in each of the ads in question, it is clear and unambiguous to the viewer that Governor Northam and Mr. Gillespie, respectively, are making the disclosure statements and taking responsibility for the ads. There is no question whatsoever as to the identity of the sponsoring candidate.

The ads, therefore, substantially complied with Virginia law. Though not binding on this Board, we also note that the Federal Election Commission has taken a similar approach, “traditionally dismiss[ing] cases such as this one, where the candidate and his or her committee substantially complied with the Commission’s disclaimer regulations, the communications apparently contained sufficient identifying information to prevent the public from being misled as to who paid for them, and the alleged disclaimer violations, if any, were technical in nature and unintentional.”⁴ Finally, the Board has on its agenda a proposed list of factors to consider in determining appropriate penalties for violations of the Stand By Your Ad requirements. Considered in light of the factors proposed, no penalty is warranted and the complaints should be dismissed.

Thank you for your consideration.

Sincerely,



Jonathan S. Berkon, Counsel
Democratic Party of Virginia



Christopher M. Marston, Counsel
Republican Party of Virginia

³ Va. Code Ann. § 24.2-955.1

⁴ Matter Under Review 6782, Office of General Counsel’s Factual and Legal Analysis (Oct. 9, 2014).

RECOMMENDATION: Northam

ELECTION	Gubernatorial race, November 7, 2017
TYPE	TV Advertisement
SPONSOR TYPE	Candidate/Candidate Campaign
DISCLOSURE	<u>required</u>
DISCLOSURE	<u>provided</u>

Recommended Motion: I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Northam for Governor not in violation of Stand By Your Ad.