

1 The State Board of Elections (“the Board”) meeting was held on Tuesday, January 18,
2 2022, in the Martha Brissette Conference Room of the Washington Building in Richmond,
3 Virginia. The meeting also offered public participation through electronic communication so the
4 remote public could view and hear the meeting. In attendance: Robert Brink, Chairman, John
5 O’Bannon, Vice Chairman, Jamilah LeCruise, Secretary, Angela Chiang, and Delegate Donald
6 Merricks, represented the State Board of Elections (“the Board”). Christopher E. “Chris” Piper,
7 Commissioner, represented the Department of Elections (“ELECT”), Carol Lewis and Joshua
8 Lief represented the Office of the Attorney General (“OAG”). Chairman Brink called the
9 meeting to order at 1:00 P.M.

10 The first item of business was the approval of minutes presented by Secretary LeCruise.
11 Ms. Chiang *moved that the Board approve the amended minutes from the December 13, 2021*
12 *Board Meeting.* Chairman Brink seconded the motion and the motion passed unanimously. A roll
13 call vote was taken:

- 14 Chairman Brink – Aye
- 15 Vice Chair O’Bannon – Aye
- 16 Secretary LeCruise – Aye
- 17 Ms. Chiang – Aye
- 18 Delegate Merricks – Aye

19 The next item of business was the Commissioner’s Report, presented by Commissioner
20 Piper. Commissioner Piper advised the Board that he would be excusing himself to attend the
21 Senate Privileges and Elections Meeting and Rachel Lawless would be representing him in his
22 absence. The Commissioner informed the Board that the Supreme Court of Virginia adopted
23 state legislative and congressional lines. Commissioner Piper advised the Board that ELECT has

24 a strong team working with the Registrars to implement the new lines. The Commissioner stated
25 that there had been many improvements in the past 10 years, including utilizing Geographic
26 Information Services (GIS) to ensure voters are placed correctly.

27 Commissioner Piper stated that Virginia is establishing a statewide voter registration
28 system to replace the existing Voter Election Registration Information System (“VERIS”). The
29 Commissioner informed the Board that high school students across the Commonwealth are
30 participating in a contest to create a name for the new system. Commissioner Piper advised the
31 Board that ELECT has received numerous entries for the name change. The students have until
32 February 18, 2022, to submit entries; the winner will be announced in March.

33 The Commissioner advised the Board that there are over 110 bills related to elections
34 filed in the 2022 Legislative Session. Commissioner Piper expressed his appreciation to the
35 Policy Team; Samantha Buckley, Danny Davenport, Ashley Coles, Rachel Lawless, Franchelle
36 Tyson, Dave Nichols and the entire ELECT staff. The Commissioner introduced James “Jim”
37 Burfoot, System Support Analyst with Information Technology Support team, and Tamara Kidd,
38 Manager, Enterprise Project Management Division. Commissioner Piper informed the Board that
39 Daniel Persico, the Former Chief Information Officer (“CIO”), has moved on from the agency,
40 and Cassandra Harris has stepped in as the Interim CIO. The Commissioner introduced Max
41 BurkMiller, William & Mary Government student, and Joshua Lief, Section Chief with the OAG.

42 Commissioner Piper stated that former Governor Northam had reappointed Chairman
43 Brink and Vice Chair O’Bannon for the 2022 year. The Commissioner informed the Board that
44 they would need to elect a Secretary for the 2022 year. Chairman Brink opened the floor for
45 Secretary Nominations. Vice Chair O’Bannon moved to elect Jamilah LeCruise to be Secretary
46 of the State Board of Elections for 2022. No other nominations were presented. A roll call vote

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47 was taken:

48 Chairman Brink – Aye

49 Vice Chair O’Bannon – Aye

50 Secretary LeCruise – Aye

51 Ms. Chiang – Aye

52 Delegate Merricks – Aye

53 The next item of business was the Post Elections Report, presented by Commissioner
54 Piper. Commissioner Piper expressed a special appreciation to Rachel Lawless, Conrad Faett,
55 and the Elections Administration team. The Commissioner informed the Board that this is the
56 fourth Post Election Report that has been produced by ELECT. *This report is in the Working
57 Papers for the January 18, 2022 Meeting.*

58 The next item of business was the Voting Rights Act Section 203: Minority Language
59 Requirement, presented by Samantha Buckley, ELECT Policy Analyst. *This memo is in the
60 Working Papers for the January 18, 2022 Meeting.* Secretary LeCruise moved *that the State
61 Board of Elections designate the following Virginia localities as covered localities pursuant to
62 Va. Code § 24.2-128. Manassas City, Manassas Park City, and Prince William County will be
63 required to provide any English language voting or election materials, as defined by Va. Code §
64 24.2-128, in the Spanish language.* Vice Chair O’Bannon seconded the motion and the motion
65 passed unanimously. A roll call vote was taken:

66 Chairman Brink – Aye

67 Vice Chair O’Bannon – Aye

68 Secretary LeCruise – Aye

69 Ms. Chiang – Aye

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70 Delegate Merricks – Aye

71 The next item of business was the Risk Limiting Audit Report, presented by Karen Hoyt
72 Stewart, Locality Security Program Manager and Rachel Lawless, Confidential Policy Advisor.

73 The next item of business was the Certification of House of Delegates 89th Districts
74 Special Elections, presented by Paul Saunders, Elections Administration Supervisor. *This memo*
75 *is in the Working Papers for the January 18, 2022 Meeting.* Secretary LeCruise stated after
76 reviewing the Abstract of Votes Cast in the January 11, 2022, Special Election for Member,
77 House of Delegates District 89, *I move that the Board certify the results as presented and*
78 *declare the winner.* Ms. Chiang seconded the motion and the motion passed unanimously. A roll
79 call vote was taken:

80 Chairman Brink – Aye

81 Vice Chair O'Bannon – Aye

82 Secretary LeCruise – Aye

83 Ms. Chiang – Aye

84 Delegate Merricks – Aye

85 The next item of business was the Stand by Your Ad hearings, presented by Tammy
86 Alexander, Campaign Finance Compliance and Training Specialist. The first complaint was
87 against the Campbell County Republican Committee. Mrs. Alexander informed the Board that
88 one complaint was submitted for one advertisement with an incomplete disclosure. She advised
89 the Board that this is a first time violation within 14 days prior to the Election. Delegate Merricks
90 moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find*
91 *Campbell County Republican Committee in violation of §24.32-956 Stand By Your Ad print*
92 *media disclosure requirements with regard to one print media advertisement, and assess a \$50*

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93 *civil penalty*. Vice Chair O'Bannon seconded the motion and the motion passed unanimously. A

94 roll call vote was taken:

95 Chairman Brink – Aye

96 Vice Chair O'Bannon – Aye

97 Secretary LeCruise – Aye

98 Ms. Chiang – Aye

99 Delegate Merricks – Aye

100 The next complaint was against Friends of Ann Parker. Mrs. Alexander informed the
101 Board that one complaint was submitted for one flyer with an incomplete disclosure. She advised
102 the Board that this is a first time violation within 14 days prior to the Election. Secretary
103 LeCruise moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find*
104 *Ann M. Parker in violation of §24.32-956 Stand By Your Ad print media disclosure requirements*
105 *with regard to one print media advertisement, and assess a \$50 civil penalty*. Vice Chair
106 O'Bannon seconded the motion and the motion passed unanimously. A roll call vote was taken:

107 Chairman Brink – Aye

108 Vice Chair O'Bannon – Aye

109 Secretary LeCruise – Aye

110 Ms. Chiang – Aye

111 Delegate Merricks – Aye

112 The next complaint was against David Phillips for School Board. Mrs. Alexander
113 informed the Board that one complaint was submitted for two advertisements with incorrect
114 disclosures. She advised the Board that this is a first time violation and within the 14 days prior
115 to the Election. Vice Chair O'Bannon moved *subject to the Board's authority under the Code of*

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116 *Virginia §24.2-955.3, to find David Phillips in violation of §24.32-956 Stand By Your Ad print*
117 *media disclosure requirements with regard to two print media advertisements, and assess a \$100*
118 *civil penalty.* Delegate Merricks seconded the motion and the motion passed unanimously. A roll
119 call vote was taken:

120 Chairman Brink – Aye

121 Vice Chair O’Bannon – Aye

122 Secretary LeCruise – Aye

123 Ms. Chiang – Aye

124 Delegate Merricks – Aye

125 The next complaint was against Gillett for the Board of Supervisors. Mrs. Alexander
126 informed the Board that two complaints were submitted for three yard signs with no disclosure.

127 She advised the Board that this is a first time violation, not within the 14 days of the Election.

128 Secretary LeCruise moved *subject to the Board’s authority under the Code of Virginia §24.2-*
129 *955.3, to find Denise Gillett in violation of §24.32-956 Stand By Your Ad print media disclosure*
130 *requirements with regard to two print media advertisements, and assess a \$50 civil penalty.* Vice

131 Chair O’Bannon seconded the motion and the motion passed unanimously. A roll call vote was
132 taken:

133 Chairman Brink – Aye

134 Vice Chair O’Bannon – Aye

135 Secretary LeCruise – Aye

136 Ms. Chiang – Aye

137 Delegate Merricks – Aye

138 The next complaint was against D. Michael Barber d/b/a Barber for Mayor. Mrs.

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139 Alexander informed the Board that one complaint was submitted for one newspaper
140 advertisement without a disclosure. She stated that the Virginia Media, Inc. Newspaper provided
141 a letter stating that the disclosure was on the original ad but was left off when it was reimaged
142 for the paper. Mrs. Alexander advised the Board that this was a first time violation within the 14
143 days of the Election. Dr. Barber addressed the Board.

144 Delegate Merricks moved *to dismiss the complaint*. Ms. Chiang seconded the motion and
145 the motion passed unanimously. A roll call vote was taken:

146 Chairman Brink – Aye

147 Vice Chair O’Bannon – Aye

148 Secretary LeCruise – Aye

149 Ms. Chiang – Aye

150 Delegate Merricks – Aye

151 The next complaint was against Elect Robert Babyok. Mrs. Alexander informed the
152 Board that two complaints were submitted for one digital sign, two flyers, and one yard sign
153 without disclosures. She advised the Board that this was a first time violation, and 3 out of 4
154 submitted documents were within the 14 days prior to the Election. Mr. Babyok addressed the
155 Board. Vice Chair O’Bannon moved *subject to the Board’s authority under the Code of Virginia*
156 *§24.2-955.3, to find Robert Babyok in violation of §24.32-956 Stand By Your Ad print media*
157 *disclosure requirements with regard to four print media advertisements, and assess a \$175 civil*
158 *penalty*. Secretary LeCruise seconded the motion and the motion passed unanimously. A roll call
159 vote was taken:

160 Chairman Brink – Aye

161 Vice Chair O’Bannon – Aye

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162 Secretary LeCruise – Aye

163 Ms. Chiang – Aye

164 Delegate Merricks – Aye

165 The next complaint was against Friends of Monica Gary. Mrs. Alexander informed the
166 Board that one complaint was submitted for two car magnets, one website, and a GoFundMe
167 account with no disclosures. She informed the Board that this is a first time violation, not within
168 the 14 days prior to the Election. Ms. Gary addressed the Board. Secretary LeCruise moved
169 *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Monica Gary in*
170 *violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to*
171 *four print media advertisements, and assess a \$100 civil penalty.* Delegate Merricks seconded
172 the motion and the motion passed unanimously. A roll call vote was taken:

173 Chairman Brink – Aye

174 Vice Chair O'Bannon – Aye

175 Secretary LeCruise – Aye

176 Ms. Chiang – Aye

177 Delegate Merricks – Aye

178 The next complaint was against Friends of William Andrew Reese. Mrs. Alexander
179 informed the Board that one complaint was submitted for one flyer and one sign. She advised the
180 Board that this is a first time violation, not within the 14 days prior to the Election. Dr. Reese
181 addressed the Board. Vice Chair O'Bannon moved *subject to the Board's authority under the*
182 *Code of Virginia §24.2-955.3, to find William Andrew Reese in violation of §24.32-956 Stand By*
183 *Your Ad print media disclosure requirements with regard to two print media advertisements, and*
184 *assess a \$25 civil penalty.* Secretary LeCruise seconded the motion and the motion passed

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185 unanimously. A roll call vote was taken:

186 Chairman Brink – Aye

187 Vice Chair O’Bannon – Aye

188 Secretary LeCruise – Aye

189 Ms. Chiang – Aye

190 Delegate Merricks – Aye

191 The next complaint was against Gillespie 4 Berkeley. Mrs. Alexander informed the Board
192 that one complaint was submitted for one mailer with no disclosure. She informed the Board that
193 this was a first time violation. Ms. Gillespie addressed the Board. Delegate Merricks moved
194 *subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find April Gillespie*
195 *in violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to*
196 *one print media advertisement, and assess a \$25 civil penalty.* Vice Chair O’Bannon seconded
197 the motion and the motion passed unanimously. A roll call vote was taken:

198 Chairman Brink – Aye

199 Vice Chair O’Bannon – Aye

200 Secretary LeCruise – Aye

201 Ms. Chiang – Aye

202 Delegate Merricks – Aye

203 The next complaint was against Keith F. Marshall for the 3rd District Board of
204 Supervisors. Mrs. Alexander informed the Board that one complaint was submitted for two signs
205 without a disclosure. She advised the Board that this was a first time violation. Vice Chair
206 O’Bannon moved *subject to the Board’s authority under the Code of Virginia §24.2-955.3, to*
207 *find Keith Marshall in violation of §24.32-956 Stand By Your Ad print media disclosure*

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208 *requirements with regard to two print media advertisements, and assess a \$50 civil penalty.*

209 Secretary LeCruise seconded the motion and the motion passed unanimously. A roll call vote
210 was taken:

211 Chairman Brink – Aye

212 Vice Chair O’Bannon – Aye

213 Secretary LeCruise – Aye

214 Ms. Chiang – Aye

215 Delegate Merricks – Aye

216 The next complaint was against Koontz2021.com. Mrs. Alexander informed the Board
217 that one complaint was submitted for two advertisements with no disclosures. She advised the
218 Board that this was a first time violation. Secretary LeCruise moved *subject to the Board's*
219 *authority under the Code of Virginia §24.2-955.3, to find John Koontz in violation of §24.32-956*
220 *Stand By Your Ad print media disclosure requirements with regard to two print media*
221 *advertisements, and assess a \$50 civil penalty.* Ms. Chiang seconded the motion and the motion
222 passed unanimously. A roll call vote was taken:

223 Chairman Brink – Aye

224 Vice Chair O’Bannon – Aye

225 Secretary LeCruise – Aye

226 Ms. Chiang – Aye

227 Delegate Merricks – Aye

228 The next complaint was against Leecy Fink for School Board. Mrs. Alexander informed
229 the Board that one complaint was submitted for two signs without a disclosure. She informed the
230 Board that this was a first time violation. Ms. Fink addressed the Board. Ms. Chiang moved

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231 *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Leecy Fink in*
232 *violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to*
233 *one print media advertisement, and assess a \$50 civil penalty. Secretary LeCruise seconded the*
234 *motion and the motion passed unanimously. A roll call vote was taken:*

235 Chairman Brink – Aye

236 Vice Chair O'Bannon – Aye

237 Secretary LeCruise – Aye

238 Ms. Chiang – Aye

239 Delegate Merricks – Aye

240 The next complaint was against Marie March for Delegate. Mrs. Alexander informed the
241 Board that one complaint was submitted for one email without a disclosure. She advised the
242 Board that this was a first time violation. Aaron Evans addressed the Board. Ms. Chiang moved
243 *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Marie March in*
244 *violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to*
245 *one print media advertisement, and assess a \$100 civil penalty. Secretary LeCruise seconded the*
246 *motion and the motion passed unanimously. A roll call vote was taken:*

247 Chairman Brink – Aye

248 Vice Chair O'Bannon – Aye

249 Secretary LeCruise – Aye

250 Ms. Chiang – Aye

251 Delegate Merricks – Aye

252 The next complaint was against Sam Carter for the Board of Supervisors. Mrs. Alexander
253 informed the Board that one complaint was submitted for four signs, one palm card, and one t-

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254 shirt with an inadequate disclosure. She informed the Board that this was a first time violation.

255 Secretary LeCruise moved *subject to the Board's authority under the Code of Virginia §24.2-*

256 *955.3, to find Sam Carter in violation of §24.32-956 Stand By Your Ad print media disclosure*

257 *requirements with regard to six print media advertisements, and assess a \$125 civil penalty.*

258 Vice Chair O'Bannon seconded the motion and the motion passed unanimously. A roll call vote

259 was taken:

260 Chairman Brink – Aye

261 Vice Chair O'Bannon – Aye

262 Secretary LeCruise – Aye

263 Ms. Chiang – Aye

264 Delegate Merricks – Aye

265 The next complaint was against Sandra K. Garner Coleman. Mrs. Alexander informed the

266 Board that one complaint was submitted for one sample ballot. She advised the Board that this

267 was a first time violation. Ms. Garner Coleman addressed the Board. Secretary LeCruise moved

268 *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Sandra K*

269 *Garner-Coleman in violation of §24.32-956 Stand By Your Ad print media disclosure*

270 *requirements with regard to one print media advertisement, and assess a \$25 civil penalty.*

271 Delegate Merricks seconded the motion and the motion passed unanimously. A roll call vote was

272 taken:

273 Chairman Brink – Aye

274 Vice Chair O'Bannon – Aye

275 Secretary LeCruise – Aye

276 Ms. Chiang – Aye

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277 Delegate Merricks – Aye

278 The next complaint was against Supporters for Alyssa Halstead. Mrs. Alexander
279 informed the Board that two complaints were submitted for five signs with no disclosures. She
280 advised the Board that this was a first time violation. Ms. Halstead addressed the Board.

281 Secretary LeCruise moved *subject to the Board's authority under the Code of Virginia §24.2-*
282 *955.3, to find Alyssa Halstead in violation of §24.32-956 Stand By Your Ad print media*
283 *disclosure requirements with regard to five print media advertisements, and assess a \$125 civil*
284 *penalty.* Delegate Merricks seconded the motion and the motion passed unanimously. A roll call
285 vote was taken:

286 Chairman Brink – Aye

287 Vice Chair O'Bannon – Aye

288 Secretary LeCruise – Aye

289 Ms. Chiang – Aye

290 Delegate Merricks – Aye

291 The next complaint was against Youngkin for Governor, Inc. Mrs. Alexander informed
292 the Board that one complaint was submitted for one obscured candidate image and one missing
293 the spoken disclosure statement. She advised the Board that this was a first time violation. Vice
294 Chair O'Bannon moved *subject to the Board's authority under the Code of Virginia §24.2-955.3,*
295 *to find Glenn Youngkin in violation of §24.32-957.1 Stand By Your Ad television disclosure*
296 *requirements with regard to two television advertisements, and assess a \$2000 civil penalty.*
297 Delegate Merricks seconded the motion and the motion passed unanimously. A roll call vote was
298 taken:

299 Chairman Brink – Aye

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300 Vice Chair O'Bannon – Aye

301 Secretary LeCruise – Aye

302 Ms. Chiang – Aye

303 Delegate Merricks – Aye

304 Chairman Brink opened the floor to public comment. Ms. Elizabeth Block addressed the
305 Board. Vice Chairman O'Bannon stated that a formal complaint from the City of Richmond
306 Electoral Board allegations which were referred to the OAG by letter in June of 2021, got a
307 response dated December 13th stating, "A complete investigation has not identified any conduct
308 that could support criminal charges at this time" pursuant to Virginia Code 24.2-104.1. The Vice
309 Chair stated that he is concerned with whether the investigation included consideration of civil
310 charges; after discussion Chairman Brink noted that he will reach out to the OAG to receive
311 clarifications on the charges considered.

312 At 3:35 P.M., Secretary LeCruise moved *pursuant to Virginia Code Section 2.2-*
313 *3711(A)(8), I move that the Board go into closed session for the purpose of discussing*
314 *allegations relating to the conduct of the Sussex County electoral board and the State Board of*
315 *Elections' responsibilities to supervise and coordinate the work of local electoral boards under*
316 *Virginia Code section 24.2-103. In accordance with Section 2.2-3712(F), Christopher Piper,*
317 *Commissioner of Elections, Rachel Lawless, Confidential Policy Advisor of Elections, and Carol*
318 *Lewis of the Office of the Attorney General will attend the closed session because their presence*
319 *will reasonably aid the Board in its consideration of the subject of the meeting.* Vice Chair
320 O'Bannon seconded the motion and the motion passed unanimously. A roll call vote was taken:

321 Chairman Brink – Aye

322 Vice Chair O'Bannon – Aye

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323 Secretary LeCruise – Aye

324 Ms. Chiang – Aye

325 Delegate Merricks – Aye

326 At 3:52 P.M., Vice Chair moved *to reconvene in open session, and take a roll call vote*

327 *certifying that to the best of each member's knowledge (i) only such public business matters*

328 *lawfully exempted from open meeting requirements under this chapter and (ii) only such public*

329 *business matters as were identified in the motion by which the closed meeting was concerned*

330 *were heard, discussed, or considered.* Secretary LeCruise seconded the motion and the motion

331 passed unanimously. A roll vote was taken:

332 Chairman Brink – Aye

333 Vice Chair O'Bannon – Aye

334 Secretary LeCruise – Aye

335 Ms. Chiang – Aye

336 Delegate Merricks – Aye

337 Vice Chair O'Bannon moved *that the Chairman of the State Board of Elections generate*

338 *a letter in response to the concerns in Sussex County regarding the Electoral Board.* Delegate

339 Merricks seconded the motion and the motion passed unanimously. A roll call vote was taken:

340 Chairman Brink – Aye

341 Vice Chair O'Bannon – Aye

342 Secretary LeCruise – Aye

343 Ms. Chiang – Aye

344 Delegate Merricks – Aye

345 Secretary LeCruise *moved to adjourn the meeting.* Delegate Merricks seconded the

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346 motion and the motion passed unanimously.

347 The meeting adjourned at 3:55 P.M.

348

Robt U Bil

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Chairman

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John M. O'Bannon

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Vice-Chairman

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A. D. De Cruz

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Secretary

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Wm. J. Monahan

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Board Member

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Angela Chiang

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Board Member

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