



**STATE BOARD OF ELECTIONS
AGENDA**

*DATE: Thursday, September 20, 2018
LOCATION: Senate Room 3
Virginia State Capitol
Richmond, VA
TIME: 11:30 A.M.*

- I. CALL TO ORDER** *James B. Alcorn
Chair*
- II. COMMISSIONER'S REPORT** *Chris Piper
Commissioner*
- III. APPROVAL OF MINUTES** *Singleton McAllister
SBE Secretary*
- A.** August 15, 2018
- IV. NEW BUSINESS**
- A.** Loudoun County Request to Pilot Electronic Delivery of Absentee Ballot Solution pursuant to §24.2-631 *Eugene Burton
Voting Technology Coordinator*
- B.** Risk-Limiting Audit Report *James Heo
Confidential Policy Advisor*
- C.** Stand By Your Ad *Arielle A. Schneider
Policy Analyst*
- i.** Print Media hearings
- 1.** Alexandrians for Accountability at City Hall
 - 2.** Alexandrians for Better City Government
 - 3.** Cesar del Aguila
 - 4.** Chris Hubbard
 - 5.** Hampton Watch
 - 6.** Herndon
 - 7.** Newcomer for Loudoun County School Board
 - 8.** Signe for Herndon
 - 9.** Virginians Against Alcoholism
 - 10.** Robey 2019
- ii.** Letter from Dr. King regarding penalty

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

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

D. City of Hopewell

Chris Piper
Commissioner

V. OTHER BUSINESS & PUBLIC COMMENT

VI. ADJOURNMENT

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

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



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Thursday, September 20, 2018
Senate Room 3
Virginia State Capitol
Richmond, VA
11:30AM

SBE Board Working Papers



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Call to Order

BOARD WORKING PAPERS

James Alcorn
SBE Chair



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Approval of Board Minutes

BOARD WORKING PAPERS
Singleton McAllister
Secretary of the Board

1 MINUTES

2

3 The State Board of Elections board meeting was held on Wednesday, August 15,
4 in Senate Room 3 of the Virginia State Capitol, Richmond, Virginia. In attendance: James
5 Alcorn, Chairman, Clara Belle Wheeler, Vice Chair, and Singleton McAllister, Secretary,
6 represented the State Board of Elections (“The Board”). On behalf of the Department of
7 Elections (“ELECT”) was Jessica Bowman, Deputy Commissioner. In attendance,
8 representing the Office of the Attorney General (“OAG”), was Anna Birkenheier, Assistant
9 Attorney General. Chairman Alcorn called the meeting to order at 11:51 AM.

10 Chairman Alcorn stated the Board was going to add an agenda item, as there were
11 questions about petitions and litigation about petitions that the Board needed to receive
12 counsel on in closed session. The Chairman said the Board would go into closed session
13 at the end of the meeting.

14 The first order of business was the Commissioner’s report. Because Commissioner
15 Piper was unable to attend, Deputy Commissioner Bowman presented the report. Deputy
16 Commissioner Bowman introduced new ELECT staff members, including Shihan
17 Wijeyeratne, Data Analyst; and Dave Simmons, Chief Information Officer. The Deputy
18 Commissioner reported that Isle of Wight County had a special election for Sheriff on July
19 24, which had no issues. Deputy Commissioner Bowman told the Board that ELECT
20 helped the City of Fairfax in the Commonwealth’s first post-election risk-limiting audit
21 (RLA), and said that James Heo, Confidential Policy Advisor at ELECT, would be
22 presenting a summary to the Board during the meeting; the full report would be presented
23 to the Board during the September meeting. The Deputy Commissioner thanked Brenda
24 Cabrera, City of Fairfax General Registrar/Director of Elections (“GR/DOE”), and the City
25 of Fairfax Electoral Board (EB) for the hours of work put into conducting the audit. Deputy
26 Commissioner Bowman shared that the annual Voter Registrar Association of Virginia
27 (VRAV) meeting took place the previous week, and that the Commissioner and Deputy
28 Commissioner were invited to attend. The Deputy Commissioner also shared that the
29 deadline for all local candidates, special elections, and local referendums was Friday,
30 August 17.

31 The next order of business was the approval of minutes. Vice Chair Wheeler
32 pointed out two typos for correction. The Vice Chair asked if the minutes from the July
33 20 Board meeting were provided in the working papers, and ELECT staff confirmed that
34 they were. The Vice Chair asked if the Board could wait to approve the minutes until she
35 had time to review the July 20 minutes, having overlooked them when she received the
36 working papers. Secretary McAllister moved *the Board approve the minutes from June 25*
37 *and July 20, with the amendments the Board discussed.* Chairman Alcorn voted yea.
38 Secretary McAllister voted yea. Vice Chair Wheeler abstained from voting, as she had not
39 had time to review the July 20 minutes. The motion passed, 2:0:1.

40 The next order of business was a presentation from the Virginia Elections
41 Benchmark Index Workgroup, presented by the Workgroup's Chair, Allison Robbins,
42 Wise County GR/DOE. Ms. Robbins said the Workgroup met three times since its
43 formation; the first meeting was public and the other two meetings were held via
44 conference calls on July 24 and August 10. Ms. Robbins said the Workgroup realized it
45 fell under the legal definition of a public body, so stated that all future meetings would be
46 subject to open meeting rules. Using the resolution passed by the Board, the Workgroup
47 identified the main elements for review, and decided it would determine what duties and
48 responsibilities were given to ELECT, GRs, and EBs in the Code of Virginia, and then
49 assess appropriate index measures for each. The Workgroup would collect data for each
50 of the index measures, and allow for the development of benchmarks. The Workgroup
51 planned to create a system for public recognition for good work, and take into account all
52 the resources different localities from different locations used when conducting elections.
53 Ms. Robbins said the Workgroup was committed to ensuring that the Workgroup would
54 not be a further burden to the already limited resources of the localities, and was seeking
55 to highlight the need for additional funding, staffing, and resources for local election
56 offices.

57 Chairman Alcorn shared his enthusiasm for the Workgroup's proposal, and stated
58 the Workgroup was an opportunity to highlight areas where there was great success, but
59 also where there could be opportunities for improvement. The Chairman said the
60 opportunities for improvement should be assessed in a collegiate, rather than in a punitive,
61 way. Chairman Alcorn recommended the Workgroup collect data and use it to compare

62 how Virginia conducted elections in reference to other states. Vice Chair Wheeler shared
63 the Chairman's enthusiasm, and urged the Workgroup to remain as objective as possible.
64 Secretary McAllister asked Ms. Robbins what the Workgroup's timeline was. Ms. Robbins
65 said the Workgroup was waiting to see how to best proceed with future meetings in
66 compliance with open meeting laws, but that the Workgroup was required, under the
67 resolution, to present the Board a final project in 2019. Ms. Robbins said the Workgroup
68 would likely give the Board an update after the November elections, with actual data.

69 Secretary McAllister asked how many members of the Workgroup there were. Ms.
70 Robbins stated there were 9, including the Commissioner and Mr. Wijeyeratne. The
71 Secretary asked if the Workgroup's members were representative of the different localities
72 geographically across the state, and Ms. Robbins said they were. Chairman Alcorn said
73 that a guiding principle is that most people in elections is finding a balance between access
74 and security. The Chairman recommended the Workgroup keep that principle in mind
75 during their work.

76 The next order of business was a request to use approve voting systems in the City
77 of Petersburg, pursuant to §24.2-630, presented by Eugene Burton, Voting Technology
78 Coordinator. Mr. Burton said the City of Petersburg requested ELECT to allow the
79 localities to use the ES&S DS200 and ExpressVote in the November 6, 2018 General
80 Election. Mr. Burton said the City planned to ultimately upgrade the entire locality with
81 this voting equipment; the City was seeing a heavy write-in campaign in one of its
82 precincts, and using the ES&S DS200 and ExpressVote would allow the locality to have
83 more expedited reporting on election night. Chairman Alcorn said the voting equipment
84 was already certified and had gone through testing. The Chairman moved *the Board*
85 *approve the use of certified optical scan voting systems in the City of Petersburg for the*
86 *November 6, 2018 General Election pursuant to Code of Virginia §24.2-630 Use of*
87 *Approved Voting Systems.* Secretary McAllister seconded the motion, and the motion
88 passed unanimously.

89 The next order of business was to review the Stand By Your Ad ("SBYA") policy,
90 presented by Arielle A. Schneider, ELECT Policy Analyst. Ms. Schneider informed the
91 Board that the policy was the same policy presented to the Board at previous meetings.
92 Ms. Schneider reviewed the changes made since the last presentation. Ms. Schneider

93 informed the Board that the updated definition of “express advocacy,” which was approved
94 at a previous meeting, was going to be sent to the Governor’s office for review on the
95 process to creating a regulation. Other changes included a clarification on what constituted
96 an “occurrence,” clarifying that penalties are assessed cumulatively to the number of
97 violations per election cycle; and an extension on the timeline by which an individual
98 would need to request a continuance. Chairman Alcorn said the policy helps provide
99 consistency to how the Board handles complaints, and thanked Ms. Schneider.

100 Vice Chair Wheeler asked for clarification on the part of the policy about
101 continuance. The Vice Chair asked if only the Chairman could grant continuance for
102 candidates. Ms. Schneider said yes, but said that the Chairman would likely inform the
103 other Board members upon doing so. Vice Chair Wheeler asked what would happen if the
104 Chairman didn’t grant continuance, and Ms. Schneider explained that the matter would
105 then be heard at the next meeting, rather than be deferred as it would be if the Chairman
106 granted continuance. Vice Chair Wheeler asked if that point needed to be made clear in
107 the policy. Ms. Schneider directed the Board to the fourth point in the policy, which stated
108 that “The Board may, for good cause shown, waive any of the provisions of this policy if,
109 in the judgement of the Board, the waiver will not prejudice the rights of any party and is
110 not otherwise prohibited by law. Any waiver shall be documented in the official record of
111 the meeting for continuity. In any conflict within this policy between general and specific
112 provisions, the specific provisions shall govern.”

113 Vice Chair Wheeler voiced concern that all nuances weren’t fully worked out in the
114 development of the policy. The Vice Chair said it was important all of these issues were
115 heard before the corresponding election happened, so that voters were aware if candidates
116 violated SBYA. Ms. Schneider acknowledged the Vice Chair’s concerns, and said that no
117 more than one continuance could be granted for any circumstance so that continuances
118 could not be used as delay tactics. Ms. Schneider said if the Board wanted, a provision
119 could be added that any decision the Chairman made in regard to continuances would be
120 provided to all members of the Board within one week of his determination. Ms. Schneider
121 agreed to add this provision into the policy, including that the Chairman would forward it
122 to the other members of the Board, and that the granting of continuance would be noted in
123 minutes.

124 Secretary McAllister asked if there could be guidelines or general language around
125 what reasons to grant a continuance would be. Ms. Schneider suggested that memos or
126 documents could be developed for the Board to refer to while adjudicating these matters.
127 Vice Chair Wheeler asked if the Board could table voting on the policy until each member
128 could talk to ELECT staff and counsel to make minor changes. Secretary McAllister said
129 she did not have a problem with voting on the policy, if documents or memos discussed
130 earlier were developed. Chairman Alcorn agreed with the Secretary, stating he would like
131 to get guidance out to the public; the Board could then make amendments as needed in the
132 future. The Chairman said it was important to get some guidance out to educate candidates
133 and the public. Ms. Schneider said this was especially important as the next Board meeting
134 in September would include a number of SBYA hearings. Vice Chair Wheeler stated that
135 if the Board held off until the September meeting to approve the policy, the alterations and
136 changes made would give the Board a completed policy to use. Chairman Alcorn said he
137 didn't think there were changes that needed to be made; the Secretary just asked for
138 development of clearer guidance regarding good and sufficient cause, which transcends the
139 purpose of the presented policy. Chairman Alcorn moved *the Board adopt SBE Policy*
140 *2018-001 to govern Stand By Your Ad (SBYA) hearings*. Secretary McAllister seconded
141 the motion. Chairman Alcorn and Secretary McAllister voted yea; Vice Chair Wheeler
142 voted nay. The motion passed 2:1.

143 The next order of business was a report on risk-limiting audits (“RLAs”), presented
144 by James Heo, Confidential Policy Advisor for ELECT. Mr. Heo said the presentation
145 would be an overview of RLAs; Mr. Heo would give a more comprehensive report to the
146 Board at the next meeting. [ENTER THE PRESENTATION WHEN MAKING FINAL
147 DRAFT PDF]

148 After the conclusion of the presentation, Vice Chair Wheeler noted that in the past,
149 the Board had approved two RLAs for Prince William County and the City of Norfolk.
150 The Vice Chair asked why ELECT did not use these localities, and instead worked with
151 the City of Fairfax, on the first pilot audit. Mr. Heo explained that the timelines that Prince
152 William and Norfolk proposed was before the bill that required the Commonwealth do
153 post-election RLAs was enacted. Mr. Heo said ELECT was in contact with both localities
154 to do future pilots.

155 The next order of business was a discussion about the recertification of the
156 November 2017 election, presented by Dave Nichols, Director of Election Services at
157 ELECT. During the Board's June 19 meeting, the Board had to recertify the November
158 2017 election due to data errors. The Board asked ELECT to reach out to the three
159 localities that required recertification, so the localities could provide explanations and
160 lessons learned. Mr. Nichols explained that the Nelson County GR/DOE could not be
161 present, but provided a memo; the Amherst County GR/DOE was present; and Brunswick
162 was unable to be present and did not provide a memo. Fran Brown, Amherst GR/DOE,
163 spoke to the Board and said the election officials did not know where the error in data came
164 from, other than from human error. Ms. Brown said election officials, including GR/DOE
165 office staff and the Amherst EB, reviewed the numbers and were unable to find how the
166 error happened. Ms. Brown said the office decided to add another individual to the results
167 team in the hope of reducing the chance for error in a future election. Ms. Brown said the
168 office also hired a full time assistant GR, which should add some much needed support on
169 Election Day.

170 Chairman Alcorn asked how ELECT found the data errors. Mr. Nichols said that
171 ELECT's communication division discovered that some information on ELECT's website
172 did not match. Staff worked together to find where the discrepancies were, pulled reports,
173 and discovered that some localities had changed information in VERIS. Upon discovering
174 this information, staff reached out to the localities to find out what happened. Secretary
175 McAllister asked how big the discrepancies were. Mr. Nichols said in some cases, the
176 discrepancies were as small as one or two votes. There were some data entries, however,
177 that changed numbers from 360 to 36. Chairman Alcorn commended ELECT staff for
178 doing the statistical analysis to find the errors, and asked if the reports that helped find the
179 discrepancies were made a normal part of the certification process. Mr. Nichols said yes.
180 Deputy Chairman Bowman said that statistical analysis is part of the reason that ELECT
181 hired a data analyst, Mr. Wijeyeratne.

182 Vice Chair Wheeler expressed confusion at the situation. The Vice Chair
183 recognized the potential for human error, but asked that localities take canvass seriously
184 and be careful when reporting and interpreting numbers. Chairman Alcorn asked how
185 election officials add up numbers, and asked if it would be helpful for ELECT to look into

186 creating electronic ways to keep track of the numbers. Deputy Commissioner Bowman
187 said that localities have different procedures across the Commonwealth, including some
188 that use electronic recording. The Deputy Commissioner stated that ELECT was working
189 on their election night results process to make it easier for localities to upload and report
190 information. The Vice Chair noted that proper training for election officials was also
191 critical.

192 Walt Latham, York County GR/DOE, spoke to explain part of the frustration of
193 canvass. Mr. Latham explained the number of duties and expectations on local offices
194 during election night, including provisional ballots, running VERIS reports, and result
195 tapes. Mr. Latham noted it can be particularly hard to keep track of everything if a locality
196 did not have the staff or resources needed. Michele White, Prince William County
197 GR/DOE, agreed, and added that public expectation for instant results put on additional
198 pressure that could result in errors. Ms. White stated she would like to see ELECT develop
199 proper data entry for localities, to make data entry and reporting more seamless. Ms. White
200 said her locality used Google Docs while reporting, and credited Jason Corwin for the idea
201 and implementation. Vice Chair Wheeler asked Ms. White how many elections Prince
202 William County used the Google Doc process for, and Ms. White said 2. The Vice Chair
203 asked if there was a reduction in the number of errors, and Ms. White reported that using
204 the process sped up reporting significantly.

205 Robin Lind, Goochland County EB, reminded the Board of a data anomaly from
206 the previous year that the previous ELECT administration did not properly address. Mr.
207 Lind said he discovered a number of anomalies with the results of the November elections,
208 and brought the issue to the previous administration. Mr. Lind stated he found the problems
209 by looking at the results on paper, so commended ELECT hiring Mr. Wijeyeratne to focus
210 on the data.

211 The meeting then opened to public comment. Sue Mosher, a representative from
212 Indivisible Arlington, spoke, and commended ELECT, the GR/DOEs, EBs, and the Board,
213 for the work done to produce fair, accessible, and secure elections. Ms. Mosher asked how
214 ELECT was going to utilize the \$9 million in HAVA funds to protect the upcoming mid-
215 term elections Ms. Mosher asked what the policy of the Board and ELECT was concerning
216 precinct-level paper backups for electronic pollbooks (“EPBs”). Ms. Mosher suggested

217 the elections community focus and concentrate harder on correcting and dis-spelling mis-
218 information surrounding elections and election security, and t get out in front of the
219 problems with accurate and timely information. Chairman Alcorn thanked her, and said
220 that the earlier conversation about the Benchmark Workgroup was one of the ways the
221 community would hope to establish clear procedures to gain voter confidence. Deputy
222 Commissioner Bowman addressed the first question, regarding HAVA funds, stating that
223 ELECT was working with the Election Assistance Commissioner (“EAC”). Once a plan
224 for the funds was finalized, it would be published on ELECT’s website. The Deputy
225 Commissioner addressed the second question, stating that ELECT recommended that all
226 localities print their pollbooks. The Deputy Commissioner further stated that EPBs were
227 not connected to the internet, so were not at threat of being attacked remotely. Mr. Latham
228 addressed the Board, and said he appreciated the working relationship with the Board and
229 ELECT.

230 Vice Chair Wheeler stated that Anna Birkenheier, who served as the Board’s
231 counsel from OAG, would be leaving. The Board thanked Ms. Birkenheier for her work
232 and dedication to ensuring the Board complied with law, and to the safety and fairness of
233 elections.

234 Chairman Alcorn then moved *the Board go into closed session for the purpose of*
235 *discussing certain legal matters requiring the provision of legal advice by legal counsel,*
236 *as authorized by §2.2-3711 section A (7) of the Code of Virginia.* The Chairman requested
237 that Deputy Commissioner Bowman and Mr. Heo join the Board, along with counsel.
238 Secretary McAllister seconded the motion, and the motion passed unanimously. The Board
239 went into closed session at 1:46 P.M.

240 Chairman Alcorn called for a roll call vote to certify that, to the best of each
241 member’s knowledge, (1) only such business matters lawfully exempted from open
242 meeting requirements under this chapter and (2) only such business matters as were
243 identified in the motion by which the closed meeting was concerned, were heard, discussed
244 or considered. Chairman Alcorn voted yea. Vice Chair Wheeler voted yea. Secretary
245 McAllister voted yea.

246 Chairman Alcorn then moved to adjourn the meeting. Vice Chair Wheeler
247 seconded the motion, and the motion passed unanimously. The meeting was adjourned at
248 approximately 2:11 PM. The next Board meeting will be on September 20 at 11:30 AM.

249

250

251

Secretary

252

253

254

Chair

255

256

257

Vice Chair

DRAFT



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS
Christopher E. Piper
Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Loudoun County Request to Pilot Electronic Delivery of Absentee Ballot Solution Pursuant to §24.2-631

BOARD WORKING PAPERS
Eugene Burton
Voting Technology Coordinator

Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Eugene Burton, Voting Technology Coordinator
Date: September 20, 2018
Re: Request to Pilot Demtech's BallotDNA in the November 6, 2018 General Election

Suggested Motion

I move that the Board adopt the request to allow the County of Loudoun Electoral Board to pilot Demtech's BallotDNA for use in the November 6, 2018 General Election.

Background

The Department of Elections (ELECT) received a written request from the County of Loudoun Electoral Board to pilot Demtech's BallotDNA for UOCAVA voters. This software allows the County of Loudoun to send a voter an email with multiple attachments including the ballot which is still returned by mail. In addition, the system gives the County of Loudoun the ability to see where the voter is in the process. For instance, if the voter opened and/or printed the ballot. The BallotDNA software also has the ability to send reminders and communicate with the voter through the ballot delivery system.

Applicable Code Sections: § 24.2-631 Experimental use of voting systems and ballots prior to approval of the system



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Risk-Limiting Audit Report

BOARD WORKING PAPERS
James Heo
Confidential Policy Assistant



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Risk-Limiting Audits

Contents

Purpose	1
References	2
Overview	2
Process	4
Creating Cast Vote Records (CVRs).....	4
Creating a Ballot Manifest.....	5
Random Ballot Selection.....	6
Ballot Retrieval.....	6
Batch-Level Comparison Audit.....	8
Ballot Comparison/Ballot Polling Audit Adjudication.....	8
Results	10
RLA Template	17
What’s Next for RLAs?	18
Definitions	20
Appendix A – Agenda	22
Appendix B – RLA Ballot Manifest Template	26
Appendix C -- Completed Ballot Manifest	28
Appendix D – Chain of Custody	29
Appendix E – Ballot Labels and Inserts	30
Appendix F – Floor Set Up	39

Purpose

The Presidential Commission on Election Administration recommended a post-election risk-limiting audit (“RLA”) be performed to evaluate if current voting technology performs as promised and expected. The Commission recommended that jurisdictions audit the results of each election. The goal of conducting an RLA is to provide evidence to support the reported outcomes of an election. The RLA flags any potential discrepancies between the initial tally and the results of the audit. The RLA is designed to limit the risk of confirming an incorrect election outcome that would change if all the ballots were inspected. (The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration, January 2014)

Pursuant to Va. Code §24.2-671.1, the Department of Elections (“ELECT”) is required to coordinate an annual post- election risk-limiting audit of ballot scanner machines used in the Commonwealth of Virginia. The localities selected for the audit will be chosen at random and every locality must participate in the Department’s annual audit at least once during a five-year period. As set in Code, the purpose of the audits shall be to study the accuracy of the ballot scanner machines.

Generally, RLAs are conducted to provide statistical assurance that election results are correct by manually examining, or hand counting, a statistical sample of paper ballots. An RLA uses small samples of ballots and avoids the process of having a complete hand count of ballots.

An audit should be designed to verify the accuracy of the ballot scanners used in the voting process and limit the risk of confirming an incorrect election outcome. Any RLA conducted as required by Va. Code § 24.2-671.1 will be performed after the election results have been certified by the local electoral board and will not affect the outcome of the election.

The purpose of the City of Fairfax RLA pilot was to establish a feasible post-election audit process that can be repeated in other localities. It should be noted that any process established should be feasible for large and small localities. As the Code requirement will ultimately affect all localities, any established process should account for localities with lesser resources or staff.

Any process established must fulfill a variety of goals and standards set by the General Assembly, ELECT, and the localities. Goals and standards that must be met while establishing this process include:

- The audit procedure should increase public confidence in the election administration process of programming voting systems and tabulating election results.
- The audit procedure should attempt to maximize cost-effectiveness for localities and maximize efficiency of the post-election audit process.

For an RLA, all cast ballots may be chosen for sampling. The local electoral board, general registrar, and Clerk of the Circuit Court should observe best practices for chain of custody of the ballots as prescribed by Code. Records related to the RLA will be retained with all other ballot materials in the custody of the Clerk of the Circuit Court. At the conclusion of the post-election RLA, the ballots will be secured in accordance with the provisions of Va. Code § 24.2-668.

References

§24.2-671.1. Audits of ballot scanner machines

- A. The Department of Elections shall coordinate a post-election risk limiting audit annually of ballot scanner machines in use in the Commonwealth. The localities selected for the audit shall be chosen at random with every locality participating in the Department's annual audit at least once during a five-year period. The purpose of the audits shall be to study the accuracy of ballot scanner machines.
- B. No audit conducted pursuant to this section shall commence until after the election has been certified and the period to initiate a recount has expired without the initiation of a recount. An audit shall have no effect on the election results.
- C. All audits conducted pursuant to this section shall be performed by the local electoral boards and general registrars in accordance with the procedures prescribed by the Department. The procedures established by the Department shall include its procedures for conducting hand counts of ballots. Candidates and political parties may have representatives observe the audits
- D. The local electoral boards shall report the results of the audit of the ballot scanner machines in their jurisdiction to the Department. At the conclusion of each audit, the Department shall submit a report to the State Board. The report shall include a comparison of the audited election results and the initial tally for each machine audited and the analysis of any detected discrepancies

Overview

There are three basic approaches to RLAs. While ballots are counted with the ballot scanner machine, all methods discussed will require manual, human inspection of voter-marked or voter-verified optical scanning ballots. The purpose of this pilot was to provide ELECT and City of Fairfax with experience and information regarding all three audit methods.

Method 1: Ballot-Level Comparison Audit

The ballot-level comparison audit is the method the majority of Colorado localities are using and is considered the most effective method of conducting an audit because it is more likely to detect discrepancies. Some of the original cast ballots are pulled as samples to be manually inspected by auditors. The auditors record their interpretations of the vote(s) on each ballot without consulting the original machine Cast Vote Records (CVRs). This interpretation is compared to the machine's interpretation recorded in the CVRs.

If CVRs do not exist (as is the case with most official voting systems in Virginia) or cannot be readily matched with ballots, the original paper ballots can be rescanned and CVRs produced from the rescans. The audit then proceeds with these CVRs. This rescanning approach, called a “machine-assisted” or “transitive” audit, was successful in Merced County, CA.

The Unisyn scanning machines used in the City of Fairfax do not produce CVRs; thus, ELECT proposed that pulled sample ballots from the June 12 primary election be rescanned as described in the “Process” section.

Method 2: Batch-Level Comparison Audit

Presently, most audits are conducted as batch-level comparison audits. Batches (often corresponding to individual precincts or voting machines) are randomly selected. The ballots in each selected batch are counted by hand, and the audit vote counts are compared to the original tabulation totals. This method may be the most practical approach for auditing statewide contests in Virginia with current equipment.

Method 3: Ballot Polling Audit

In a ballot polling audit, individual ballots are sampled. Like a ballot-level comparison audit, auditors record their interpretations of the votes; however, only the audited vote totals are used to assess the tabulation outcome. This approach is less statistically efficient than ballot-level comparison audits, but can be easier to implement. This method is less costly due to avoiding the requirement of purchasing new scanning equipment or software; however, this method is more labor intensive.

RLA demonstration by the City of Fairfax

A single jurisdiction cannot conduct a true RLA when the contest is for a statewide office. As a result, for the ballot-level comparison audit ELECT proposed calculating sample sizes and selecting sample ballots as if the City of Fairfax, with its 947 ballots, were the entire election for this contest. Using the statewide vote totals, the sample sizes can also be calculated for the state for each of the three methods.

The City of Fairfax learned first-hand during its recount of the 2016 City Council election that voters who do not follow instructions can affect an election. In some cases, voters who do not follow instructions produce ballots that are counted one way by the scanner but a different way using the “voter intent” standard. We proposed studying and noting any such ballots, and analyzing results both ways.

The City of Fairfax pilot demonstration included the following three types of RLAs:

1. Ballot-Level Comparison Audit
2. Batch -Level Comparison Audit
3. Ballot Polling Audit

As a result of the batch-level comparison audit being the only audit that directly checks counts produced with the City of Fairfax equipment, this report includes a comparison of the audited election results and the initial tally for each machine audited and an analysis of any detected anomalies.

Process

*To better understand this section, please review the pilot agenda provided in Appendix A.

The audits were conducted over the span of two days (August 2-3). The first day was primarily dedicated to preparing CVRs, the ballot manifest, and conducting a batch-level comparison audit.

Before the ballot polling or ballot-level comparison audit could be conducted, the following steps were completed:

1. Creating CVRs
2. Creating a Ballot Manifest
3. Random Ballot Selection
4. Ballot Retrieval

Creating Cast Vote Records (CVRs)

The purpose of creating CVRs was to get a catalog of the scanner's interpretation of the ballots. Creating CVRs involved the following steps:

1. Separating all ballots cast during the June 12, 2018 Republican Primary by precinct and central absentee (CAP). The ballots were be separated by precinct and numbered P1 – P7, with CAP being last. The CAP was used for the ballot-level comparison audit.
2. For each precinct, ballots were scanned in sets of approximately 25. If auditors could not create a batch of 25, it was acceptable to have a smaller batch.
 - Election officials pulled ballots for the ballot-level comparison first; then pulled the ballots for the ballot polling audit (see below).
 - Ballots remained in the same order through being pulled and the scanning process.
3. Damaged ballots/ ballots unable to run through the scanner
 - Any ballots that were damaged or could not be read by the scanner were set aside and organized by precinct.
 - A team of two election officials manually adjudicated these ballots.
 - This team could not be composed of the same people that adjudicated ballots during the audit process.
 - ELECT provided both adjudicators the Hand Counting Examples (see attached) to help standardize the adjudication process.
 - Once all of the ballots were adjudicated, they were compiled and added to their own batch in their respective precinct.
 - This batch was the last batch in every precinct.
 - CVRs were added for all manually adjudicated ballots.
4. Undervotes/Overvotes
 - If the audit software alerted officials to an undervote or overvote, these ballots were reviewed and manually adjudicated by the same team tasked with adjudicating damaged ballots.
 - Unlike the damaged ballots, they were not separated into their own batch.

- The number of undervotes/overvotes were manually accounted for/recorded on the batch label, when identified.

5. Each batch of 25 ballots was placed in a manila folder. A label was added on the folder that included the following information:

Manual Count	25
Scanner Count	25
Digital Images	25
Undervotes	0
Overvotes	0
Batch Size	25
Batch ID	P1.1

6. Once all the ballots in a precinct were scanned and separated into batches, the batches were placed in the original #3 envelope. A label was added on the envelope that included the following information:

Batch	Batch Size
1	24
2	25
3	24
4	25
5	10
6	2
Precinct Total	110

7. Once all of the ballots were scanned, the RLA software produced CVRs.

Creating a Ballot Manifest

The ballot manifest is one of the most critical parts of an RLA. It helps catalogue the location of every ballot cast during an election. The ballot manifest was developed in concert with the CVRs. It involved the following steps:

1. When creating the CVRs, to avoid duplicating work, one person started the process of cataloging all of the ballots into a ballot manifest.
2. The Excel template in Appendix B was used to create the ballot manifest.
3. The template included the following columns:
 - Precinct Storage Container/Envelope
 - Since the City of Fairfax only has seven precincts, with manageable numbers of ballots, there was no more than one storage container/envelope per precinct.

- Batch Number
 - Batch ID
 - This is a combination of the precinct number and the batch number. For example, batch ID P3.1 designates that this is the first batch from precinct three.
 - This identification was included, just in case a batch was separated from the precinct container.
 - Batch Size
 - This is the total number of ballots in a batch.

After creating a ballot manifest and CVRs, both the ballot-level comparison audit and the ballot polling audit were conducted. In the interest of time, we combined the respective random ballot selection and ballot retrieval processes for both audits. This way we could limit the duplication of efforts. All ballots audited during the ballot-level comparison audit were included in the ballot polling audit.

Random Ballot Selection

Identifying the random ballots that were reviewed during both audits involved the following steps:

1. Rolling dice to generate a random seed.
2. Estimating the sample size to conduct a ballot polling audit with a 10% risk limit and a ballot-level comparison audit with a 5% risk limit, utilizing the RLA tool.
3. Running the pseudo-random number generator program.
4. Using the random seed and a pseudo-random number generator, drawing a simple random sample from all ballots cast in the city.
 - The program provided a list of ballots, their batch, and their positions.

Ballot Retrieval

See Appendix D for chain of custody information.

See Appendix E for the Ballot Retrieval Inserts and Labels

Ballot retrieval involved the following steps:

1. All ballot retrieval participants were election officials and they took an oath.
2. There were a total of six election officials retrieving ballots.
 - They were organized in teams of two.
3. The election officials picked up and signed out two sealed envelopes of ballots.
 - Each team of election officials signed out sealed envelopes, two envelopes at a time, from the Clerk.
 - One team took an additional envelope. This additional envelope was the CAP.

4. The election officials were provided two lists of ballots to retrieve from each precinct (one for each type of audit). The list included the following information:

Precinct 1	
Batch	Position
1	10
1	15
3	11

5. In each team, one election official read out the ballot batch and position, while the other election official retrieved the exact ballot.
6. Once the ballot was retrieved, the election officials placed a colored sheet of paper in the position the ballot used to occupy in the box. This paper included the following label:

Precinct 1		
Batch	Position	Audit Type
1	10	Comparison

7. The ballot that was pulled for the RLA was also covered with a colored sheet of paper with an identical label.
- Ballot-level comparison audit ballots had green labels. All ballots for the ballot-level comparison audit were pulled first.
 - Ballot polling audit ballots had yellow labels. Ballots for the ballot polling audit were pulled after the ballots for the ballot-level comparison audit were pulled.
8. Once all RLA ballots were pulled for a precinct, they were placed in colored folders, labeled with the ballot retrieval label (see attached), and returned to the general registrar. The general registrar transferred the materials to the adjudicators.
- Ballot-level comparison audit ballots had green folders. All ballots for the ballot-level comparison audit were pulled first.
 - Ballot polling audit ballots had yellow folders. Ballots for the ballot polling audit were pulled after the ballots for the ballot-level comparison audit were pulled.
9. The remaining ballots were resealed with the following label and returned to the Clerk:

Batch ID	Batch Size	RLA Ballots	Final Batch Size
P1.1	25	1	24
P1.2	25	3	22
P1.3	25	5	20
P1.4	25	1	24
P1.5	10	1	9
Precinct Total			99

Batch-Level Comparison Audit

The post-election audit team compared the hand count of the precinct and the scanner counts from Election Day. The process below outlines the hand counting procedure:

The basic procedure for manually counting each stack (separately, when directed to do so below) was:

- One official counted the ballots while the other closely observed.
- The ballots were counted by laying each ballot with the office face up on the table so that both officials and all observers could clearly see each ballot as it was counted.
- The other official then counted the same ballots while being closely observed by the first official.
- The official observing could use ELECT's Manual Tally Sheet.
- If the two officials did not arrive at the same number, the process was repeated.
- The officials then compared the candidate vote totals to the Election Day candidate vote totals.

Ballot-Level Comparison/Ballot Polling Audit Adjudication

The ballot-level comparison audit was conducted first, but the ballot adjudication process for both the ballot-level comparison and ballot polling audit were essentially the same. In each case, the adjudicators only looked at the voter verified ballots, not the CVRs, to determine the voter's intent.

Audit Adjudication Steps

1. All audit ballots were covered with colored labels, with the labels specifically identifying the ballot's precinct, batch, and position, and placed in corresponding colored folders.
 - Ballot-level comparison audit ballots were in green labels.
 - Ballot polling audit ballots were in yellow labels.
2. All audit ballots were adjudicated by precinct, and in sequential position order.
 - Since all ballots in the ballot-level comparison audit sample were included in the ballot polling audit sample, there was no need to re-adjudicate the ballot-level comparison audit ballots for the ballot polling audit.
3. Two designated adjudicators reviewed all audit ballots.
 - ELECT provided both adjudicators the Hand Counting Examples (see attached) to help standardize the adjudication process.
4. Once both adjudicators reached a consensus on the interpretation of a ballot, they reported the results of the adjudication into the RLA tool.
5. Once the adjudication of all the ballots was completed, and all of the results were reported, the RLA tool computed the measured risk for each respective audit.
 - During a true RLA, if the risk limit has NOT been satisfied, a second-round of sample of ballots would be chosen and those would be reviewed through the same process.
 - In the interest of time, this step was not included in the pilot.

6. After the audits were conducted, all of the RLA ballots were placed in adjudicated ballots boxes/envelopes and returned to the Clerk. The boxes/envelopes had labels that included the following information:

Precinct	Number of Ballots
001	
002	
003	
004	
005	
006	
CAP	

Results

2018 Risk-Limiting Audit, Fairfax City

Process/ Design Adjustments

Some procedures had to be adjusted as the RLA was conducted.

- Ballot Naming Convention**
 The original nomenclature used for identifying ballots during batching, retrieval, and adjudication was confusing, and contributed to election officers swapping a pair of ballots during retrieval. The swap was confirmed by an examination of optical images stored by the ballot scanner, but a change to the naming convention would greatly reduce the likelihood of a mistake like this occurring in future RLAs. A suggested modification would be to identify batches with letters [A-Z] instead of numbers. Under this new scheme, the first ballot in the first batch of the precinct would be identified as P1-A-1 instead of P1-1-1.
- Oversight**
 In teams of two, election officials pulled ballots. As previously stated, ballots were pulled incorrectly. To assist, future RLAs may want an additional officer to act as oversight for teams to ensure accuracy.

Batch-Level Comparison Results

During the City of Fairfax RLA, election officials conducted a batch-level comparison audit to compare the hand count of the precinct and the scanner counts from Election Day (see table below).

June 12, 2018 Republican
 Primary Election Precinct
 Totals (Internal)

12-Jun-18	CAP	PCT #1	PCT # 2	PCT # 3	PCT # 4	PCT #5	PCT # 6	TOTAL
Spoiled Ballots	0	6	5	1	0	0	0	12
Curside Voters by Precinct	0	0	0	1	0	0	0	1
Line A7 Provisional (line 8 on Call-in Sheet)	0	0	0	0	0	0	0	0
Total Provisionals No ID (line 5 on Call-In Sheet)	0	0	0	0	0	0	0	0
Provisionals not on Pollbook (Reason codes 1&2) Line 6 on Call-In Sheet	0	0	0	0	0	0	0	0
Provisionals on pollbook (Reason Codes 3-6) Line 7 on Call-In Sheet	0	0	0	0	0	0	0	0
Part 1-A (Line 4 of Call-In) Total voters checked in on EPB	61	116	192	184	145	117	142	957
Part 2-B (Line 1 on Call In) Total votes cast on OVO Scan	61	110	187	185	145	117	142	947
Part 2-C (Line 2 on Call-In) Total hand counted	0	0	0	0	0	0	0	0
Pollbook = Total Votes Cast (OVO + Handcount)**	61	110	187	185	145	117	142	947
US Senate	CAP	PCT #1	PCT # 2	PCT # 3	PCT # 4	PCT #5	PCT # 6	TOTAL

Corey A. Stewart	20	56	74	98	67	59	65	439
Nick J. Freitas	26	41	74	55	49	41	51	337
E. W. Jackson	14	13	39	28	25	15	25	159
Undervotes	0	0	0	4	4	2	1	11
Overvotes	1	0	0	0	0	0	0	1
Total Votes Cast	61	110	187	185	145	117	142	947
Votes Cast for Office	60	110	187	181	141	115	141	935
Do total votes cast equal all machine and paper votes? Answer is "0"	0	0	0	0	0	0	0	0

During the audit, an originally, unaccounted for ballot was discovered in the audited CAP. On Election Day, this ballot was counted as an overvote because the voter had selected multiple candidates on the ballot. When the ballot was adjudicated by the election officials during the RLA, it was clear that the voter had intended to select a particular candidate. This ballot was the only deviation from the results on Election Day for CAP.

Ballot-Level Comparison Audit

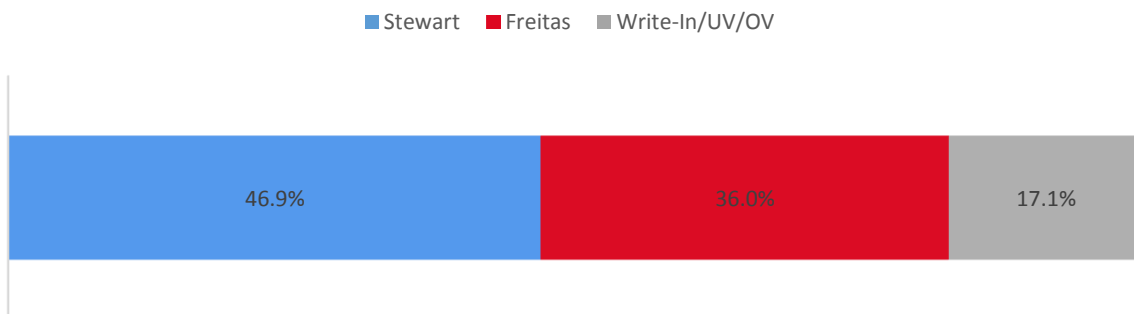
The RLA software used the mathematical model described below to determine a required sample size of 70 for the ballot-level comparison audit. The sample consisted of 69 unique ballots. Because the audit used random selection with replacement, one ballot was selected to be counted twice as a part of the sample.

Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Precinct 6	CAP	
P1-1-010	P2-1-010	P3-1-008	P4-1-018	P5-3-003	P6-1-001	CAP-1-023	
P1-1-020	P2-2-001	P3-2-001	P4-2-018	P5-4-005	P6-1-009	CAP-2-016	
P1-2-002	P2-3-015	P3-2-013	P4-3-017	P5-4-011	P6-1-013	CAP-2-023	
P1-2-017	P2-3-022	P3-3-015	P4-3-022	P5-4-019	P6-1-014	CAP-2-024	
P1-3-021	P2-4-021	P3-3-023	P4-3-024	P5-5-017	P6-1-023	CAP-3-006	
P1-4-011	P2-4-022	P3-4-010	P4-4-010		P6-2-011		
	P2-5-015	P3-4-018	P4-4-021		P6-2-018		
	P2-6-008	P3-5-009	P4-5-011		P6-2-019		
	P2-6-022	P3-5-015	P4-5-015		P6-2-023		
	P2-7-012	P3-7-004	P4-5-016		P6-4-001		
	P2-8-005	P3-7-012	P4-6-014		P6-4-012		
	P2-8-009	P3-7-013			P6-4-017		
					P6-5-001		
					P6-5-003		
					P6-5-009		
					P6-5-023		
					P6-6-012		
					P6-6-017		
							Total
6	12	12	11	5	18	5	69

An Overview of the Math Behind the Sample Size Determination

The sample size determined for the ballot-level comparison audit is a direct function of the contest margin and the established risk limit. In this case, the margin between the contest winner (Stewart) and the next closest candidate (Freitas) was 10.9%. The risk limit established by election officials was 5%. The practical implication of this risk limit is that a properly conducted RLA would have, at most, a 5% chance of confirming an incorrect election outcome.

2018 Republican Primary, Fairfax City Results



The simplified mathematical model starts from the assumption – in statistical terms, the null hypothesis – that the election outcome is wrong. In order for this to be the case, at least 5.45% (half the margin of victory) of the audited ballots needs to be interpreted by the adjudicators as being cast differently than what was recorded in the CVR. In simpler terms, the adjudication needs to “mismatch” the CVR for at least 5.45% of the ballots. RLAs are designed to provide strong evidence against this assumption, unless the election outcome actually *is* wrong.

That 5.45% would be enough only if all ‘mismatched’ votes were initially counted for Stewart and then interpreted during adjudication to be votes for Freitas, the closest competing candidate. If this were the case, the correct outcome of the election would have been a tie, not a Stewart victory.

If the reported election outcome is wrong, that means that each adjudicated ballot has no more than a 94.55% (100%-5.45%) chance of matching the interpretation recorded in the CVR. The determination of the sample size (n) then, in simple terms, follows the equation below:

$$(.9455) \times (.9455) \times (.9455) \times (.9455) \dots \leq (.9455)^n \leq 0.05$$

In the equation above, n is the sample size where – assuming the election outcome is wrong – the probability of adjudicating n ballots without a mismatch is, at most, 5%.

In reality, the ballot-level comparison audit used a more complex statistical model that provides adjustments based on the numbers and kinds of mismatches, if any, found in the audit sample. Although the actual statistical model is more complicated, the underlying concept is the same – the sample size is determined by the margin of victory and the established risk limit. In general, a smaller margin of victory and/or a smaller risk limit will result in a larger sample size being required for the audit.

At the conclusion of an RLA, the p-value, or the measured risk, is the greatest probability that the audit would be confirming an incorrect outcome in the contest being audited.

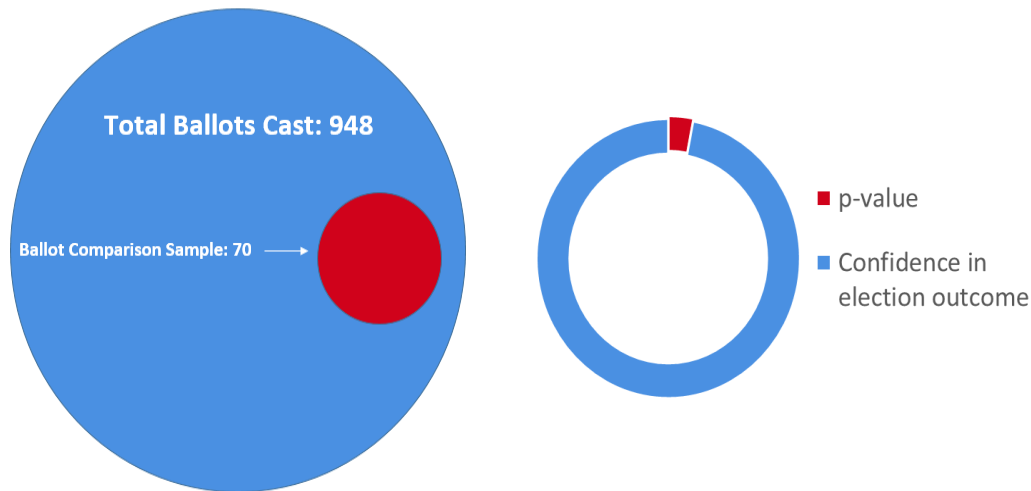
Retrieval, Adjudication, and Result

Each selected ballot was retrieved and brought to election officials for the manual adjudication process. The adjudication is 'blind' in the sense that the election officials do not know what the CVR has recorded as the voter intent of each ballot; instead the human interpretation and the scanner interpretation are later compared to determine the result of the audit. The two adjudicators came to an agreement on their interpretation of each individual ballot, which was then recorded in the software.

Results

Total ballots cast: 948
Ballot Comparison Audit Sample Size: 70 (7.38% of total votes cast)
Established Risk Limit: 0.05 (5%)
Achieved p-value/Measured Risk: 0.0303 (3.03%)
Significance:

There is at least a 96.97% chance that this ballot-level comparison RLA would have identified an incorrect outcome in the election.



Additional Findings

There was one issue with a pair of ballots being swapped by election officers during ballot retrieval. This was verified by an examination of the optical images of each ballot stored by the scanner. While the audit continued without adjusting for this error, if the ballots had not been swapped, the achieved risk limit would have instead been .0202/2.02%, resulting in at least a 97.98% chance that the audit would have identified an incorrect outcome in the election.

Timing Data

Timing data was incomplete due to the limited staff available for concurrently operating the audit and

recording timing data, but the information below can be used to begin estimating the time requirements of a ballot-level comparison audit in a larger locality. It is worth noting that these approximate durations include “overhead” time – time spent by election officials confirming instructions, answering questions from observers, and other general time expenditures not directly related to performing the audit.

Batched Scanning

Precinct	Total Time	# Batches	# Ballots	Time/Ballot (sec)	Time/Batch (minutes)
Two	16:00	8	187	5.13	2.00
Three	19:27	8	185	6.31	2.43
Four	17:44	6	145	7.34	2.96
Five	12:32	5	117	6.43	2.51
Six	10:05	6	142	4.26	1.68
CAP	6:43	3	61	6.61	2.24

Ballot-Level Comparison RLA Adjudication

Precinct	Time	Number of Ballots	Time/Ballot (sec)
Four	2:45	11	15
Five & CAP (combined)	1:55	10	11.5

Potential Methods for Validating CVRs

In a transitive ballot-level comparison audit like this one, where the CVRs were created from rescanning the ballots as opposed to using CVRs produced by voting machines on election night, ELECT foresees a need for external validation of the retabulation CVRs to provide confidence in the adjudication process and legitimacy of the audit result.

Due to the small size (948 total votes cast) of this contest, rescanning every cast ballot in batches of 25 to create complete CVRs and comparing them to the tabulated totals from election night was achievable in just a few hours. The vote distribution matched exactly, with the exception of an overvoted ballot for which adjudicators were able to determine voter intent and an undervoted ballot which election officials theorized was caused by a voter receiving two ballots stuck together, recording a vote on one, and passing both ballots—including one without a vote—through the scanner. It was noted that technologies in both voting equipment and ballot design exist to prevent this kind of issue from occurring.

Ballot Polling Audit

The ballot polling audit followed the same process with random selection and ballot retrieval but, as is typical of ballot polling audits, the sample size determined by the RLA software was much larger. The sample size for the ballot polling audit with an established risk limit of 10% was 300 (260 unique) ballots. Because the audit used random selection with replacement, 222 ballots were audited once in the sample, 36 ballots were audited twice, and 2 ballots were audited three times.

An Overview of the Math Behind the Ballot Polling Audit

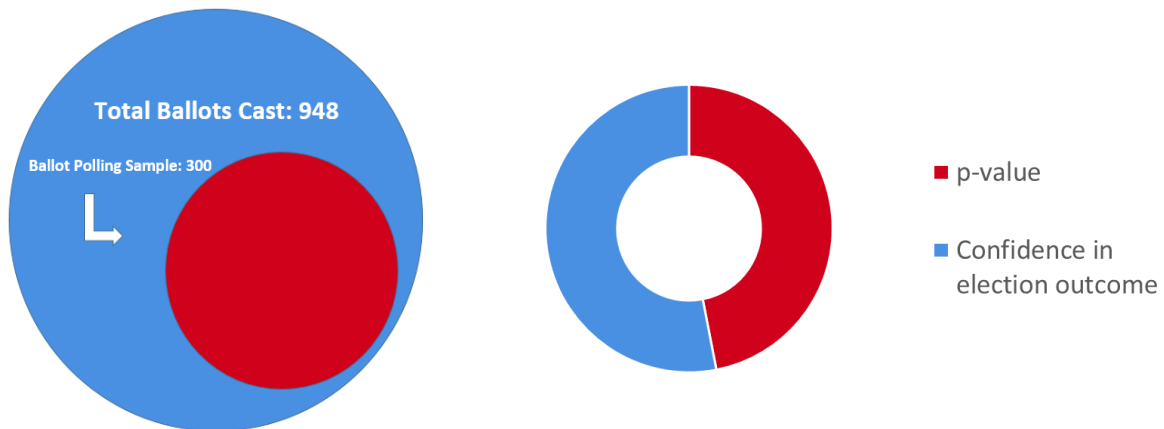
The mathematics behind the ballot polling audit sample size is similarly based on simple statistical concepts, but—as a model—is much less predictable than the ballot comparison method. This unpredictability stems from the fact that samples, by random chance, can easily skew in the direction of the winner or in the runner-up, thereby causing significant variance in the measured risk of the audit.

As with the ballot-level comparison audit, the sample size is determined as a function of the margin between the winning candidate and their closest competitor and the established risk limit. It is worth noting that the sample size does not depend on the number of ballots cast. A smaller margin of victory and/or a smaller risk limit will lead to a larger required sample size.

Results

Total ballots cast in election: 948
Ballot-level Comparison Audit Sample Size: 300 (31.65% of total votes cast)
Established Risk Limit: 0.10 (10%)
Achieved p-value/Measured Risk: .47 (47%)
Significance:

There is at least a 53% chance that this ballot polling RLA would have identified an incorrect outcome in the election.



Additional Insight into Result

In the sample of 300 ballots adjudicated for the ballot polling audit, there were 128 votes for Stewart, 108 for Freitas, 61 for Jackson, and 3 blank ballots adjudicated as undervotes. The margin of victory in this sample was 6.7%, which was not statistically close enough to the actual election margin of 10.9% to satisfy the 10% risk limit. In essence, the 47% measured risk indicates that a sample margin of 128 to 108 between the two leading candidates would not have been uncommon in a ballot polling audit even if the candidates had actually tied.

In a true RLA, election officials would have drawn a second sample of ballots and repeated the audit process until either the risk limit was satisfied or they decided to proceed to a full recount.

Timing Data

The total time elapsed during the adjudication of the ballot polling sample was approximately 54 minutes. The sample consisted of 260 unique ballots, but the adjudication results of the 69 unique ballots for the ballot-level comparison audit were also used for the ballot polling audit. Thus, a total of 191 unique ballots were adjudicated during this time, with an average duration of approximately 17 seconds per ballot. It is worth noting that the election officials were doing their adjudication in front of an audience, and were pausing before each ballot interpretation to show the image to the room on a document camera.

Acknowledgments

Verified Voting, a national NGO, and specifically Mark Lindeman, Senior Science and Technology Policy Officer, and John McCarthy, volunteer – were instrumental in the planning and execution of the RLA and were consulted in the writing of this report for their mathematical expertise and experience with prior RLAs.

RLA Template

The Code of Virginia §24.2-671.1(D) provides that at the conclusion of the audit, the local electoral board must report their results to ELECT. The report must include “a comparison of the audited election results and the initial tally for each machine audited and an analysis of any detected discrepancies.”

The following is suggested information local electoral boards may want to include when writing their post audit report to ELECT.

[Locality] Risk Limiting Audit Report

Any RLA performed by a local electoral board should contain basic information; including, staff participating in the RLA, electoral board members, and dates and times of the RLA.

The crux of the RLA report should have the following information:

- Type of RLA conducted and discussion of why this type of RLA was chosen
- RLA process and attached documents (including the ballot manifest and CVRs)
 - o The locality conducting the RLA should provide a detailed overview of the process, including what all parties (board members, election officials) will be doing in regards to the RLA. The process described should be step by step instructions.
 - o Established risk limit
 - o Sample size
 - o Measured risk/ p-value of the audit
- Data results
 - o Overall results of whether the risk-limit was met and if the audit became a recount
 - o Any adjustments that had to be made from the proposed process

What's Next for RLAs?

How to Conduct an RLA for Larger Localities:

The City of Fairfax had less than 1,000 ballots cast for the 2018 June Primary election. Having such a small number of cast votes impacts the sample sizes and the random element of the RLA. As discussed in the ballot polling audit section, ballots are counted multiple times which can affect the overall results. A larger locality, such as Fairfax County, will not have the same issue of pulling the same ballot more than once. With a larger locality and more ballots to pick from, if the risk limit is not satisfied, the sample size batches grow until a recount is conducted.

The amount and size of the sample batches is also a greater challenge for a larger locality. The process conducted at the RLA for the comparison required that pulled ballots be marked manually and kept in the same order as picked. This increases potential mistakes and can cause issues within an RLA. Unless ballots become imprinted, as discussed below, the ability to conduct an RLA in a larger locality becomes extremely burdensome.

Additionally, the City of Fairfax had no non-traditional ballot cast; such as, provisional ballots or ballots using ADA equipment. An RLA should be viable for all localities no matter the size or number of cast ballots; including the ability to perform the RLA efficiently with a significant increase in resources. A larger locality with multiple types of ballots cast must be audited to see what adjustments must be made for localities such as Fairfax County.

Finally, ELECT staff has determined that all of the vendors that service the localities supply equipment that is capable of creating some type of CVR. The majority of the equipment does require software upgrades to allow the localities to access the CVR and conduct a comparison audit. Further research is necessary to determine the total cost of all of these software upgrades.

Voting System Vendor	Ability to perform a comparison audit
ES&S	The DS200 is a digital image scanner, which means that it does capture a digital image of each ballot cast. The images are stored on the removable media (USB thumb drive).
Dominion Voting	The machines do capture the images and can tell how much percentage of the oval has been filled in for that particular person. This feature requires software, cards uploaded, etc.
Hart Intercivic	The Verity Scan is capable of capturing the scanned ballot images, so long as that option is selected when the ballot is created.
Unisyn Voting	The OVO voting scanner does capture both the images scanned and the tabulated results for the ballot.

How to Conduct an RLA for Cross-Jurisdictional Seats:

Since the RLA for the City of Fairfax pilot was conducted as if the 2018 June Primary contests were fully contained within the locality, ELECT did not pilot a cross-jurisdictional audit. An office that is cross-jurisdictional will require more than one locality to conduct an RLA. This has its own challenges particularly because the localities should have a similar or conduct exactly the same RLA process; however, the ease with which a cross-jurisdictional RLA can be conducted is unknown because each locality has different resources.

Ballot Designs:

Larger localities will need a method in differentiating ballots that are pulled; thus, ballots will need a new design for RLAs. Imprinting, imprinting letter or numbers on the ballot, is the most sufficient method in marking ballots and can be done while ballots are printed or after election results have been tabulated. Imprinting would ensure accuracy and tracking for ballots and will not be seen by the voter.

Communication with the public:

Efforts to increase public understanding of RLAs are critical to their success. An RLA does not have to be a complicated procedure, nor does it have to be explained using numbers and math equations. A concise explanation of what an RLA is, combined with how useful it is for determining the accuracy of election results, would be helpful for increasing public confidence in voting systems.

Definitions

“Ballot scanner machine” - Electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

“Cast Vote Records” (“CVRs”) - Permanent records of all votes produced by a single voter whether in electronic, paper or other form.

“Constitutional office” or “constitutional officer” - A county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: Clerk of the Circuit Court, Attorney for the Commonwealth, Sheriff, Commissioner of the Revenue and Treasurer.

“Department of Elections” or “ELECT” - The state agency headed by the Commissioner of Elections.

“Election” - A general, primary, or special election.

“Election district” - The territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

“Electoral board” or “local electoral board” - A board appointed pursuant to §24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town’s elections.

“General registrar” - The person appointed by the electoral board of a county or city pursuant to §24.2-110 to be responsible for all aspects of voter registration, in addition to other duties prescribed by this title. When performing duties related to the administration of elections for the locality in which he serves.

“Incorrect outcome” - The electoral outcome that differs from the outcome that would be found by a full manual tabulation of the votes on all ballots validly cast in the election.

“Machine-readable ballot” - A tangible ballot that is marked by a voter or by a system or device operated by a voter and then fed into and scanned by a counting machine capable of reading ballots and tabulating results.

“Officer of election” - A person appointed by an electoral board pursuant to §24.2-115 to serve at a polling place for any election.

“Overvote” – A ballot on which a voter casts a vote for a greater number of candidates or positions than the number for which he was lawfully entitled to vote and no vote shall be counted with respect to that office or issue.

“Risk limit” (“RLA”) – The maximum probability that the audit will fail to correct an incorrect outcome in an election for a particular contest or contests, not necessarily all contests involved in the audited election.

“Risk-limiting audit” - A procedure that has a pre-specified minimum probability of requiring a full hand tabulation of the votes on all ballots validly cast in an election contest if the voting system reports an incorrect outcome.

“State Board” or “Board” - The State Board of Elections.

“Undervote” - A ballot on which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

“Voting system” - The electronic voting and counting machines used at elections. This term includes direct recording electronic machines (“DRE”) and ballot scanner machines. *Note: for the purpose of this document the term will only be used for ballot scanner machines since that is what is being audited.*

Appendix A – Agenda



LOCATION: Jury Room 404

4110 Chain Bridge Rd

Fairfax, VA 22030

Thursday, August 2, 2018

9:00-9:15 A.M.	Introduction	Brenda Cabrera, Director of Elections/GR City of
9:15-10:00 A.M.	Election Official Training and Swearing In	Electoral Board, City of Fairfax <ul style="list-style-type: none"> • Curt Chandler • Rick Herrington • Lorraine Koury Brenda Cabrera, Director of Elections/GR City of
10:00-10:30 A.M.	Signing Out Ballots From the Clerk	Rowdy Batchelor, Civil Case Records Manager
10:30 A.M.-12:00 P.M.	Ballot Preparation and Scanning <ul style="list-style-type: none"> • Organizing • Ballot Scanning Adjudication Batch Comparison Audit	Election Officials <ul style="list-style-type: none"> • Pam Cunningham • Dennis Egan • Jo Ann Gundry • James Roberts • Susan Sladek • Beth Toth

12:00-1:00 P.M.	Lunch	On your own
1:00-4:30 P.M.	Continue Ballot Preparation and Scanning Create Ballot Manifest	Election Officials Eugene Burton, Voting Technology Coordinator Department of Elections
4:30-5:30 P.M.	Random Ballot Selection	Chris Piper, Commissioner Department of Elections
5:30-6:00 P.M.	Preparing Ballot List for Ballot Retrieval	Election Officials Eugene Burton, Voting Technology Coordinator Department of Elections

Friday, August 3, 2018

9:00-9:15 A.M.	Introduction	Chris Piper, Commissioner Department of Elections David Meyer, Mayor
9:15-9:35 A.M.	Signing Out Ballots From the Clerk	Rowdy Batchelor, Civil Case Records Manager Election Officials
9:35-10:35 A.M.	Ballot Retrieval Process	Election Officials
10:05-11:05 A.M.	Presentation	Jerome Lovato, Certification Program Specialist Election Assistance Commission
11:05 A.M.-12:25 P.M.	Start Ballot Comparison Audit	Adjudicators <ul style="list-style-type: none"> • Mindy Scott, Election Official • Rick Herrington, Electoral Board City of Fairfax Eugene Burton, Voting Technology Coordinator Department of Elections
12:25-1:25 P.M.	Lunch	On your own
1:25-4:25 P.M.	Start Ballot Polling Audit	Adjudicators <ul style="list-style-type: none"> • Mindy Scott, Election Official • Rick Herrington, Electoral Board City of Fairfax Eugene Burton, Voting Technology Coordinator Department of Elections
1:25-2:25 P.M.	Results of the Ballot Comparison Audit	Mark Lindeman, Verified Voting
2:25-3:25 P.M.	Presentation	Monica Crane Childers, DemocracyWorks

3:25-4:25 P.M.	Q&A Session	<p>City of Fairfax</p> <ul style="list-style-type: none"> • Brenda Cabrera, Director of Elections/GR • Curt Chandler, Electoral Board • Rick Herrington, Electoral Board • Lorraine Koury, Electoral Board <p>Department of Elections</p> <ul style="list-style-type: none"> • Eugene Burton, Voting Technology Coordinator • Samantha Buckley, Policy Analyst <p>Verified Voting</p> <ul style="list-style-type: none"> • Mark Lindeman • Marian Schneider
4:25-5:25 P.M.	Results of the Ballot Polling Audit	Mark Lindeman, Verified Voting
5:25-5:35 P.M.	Closing Remarks	Chris Piper, Commissioner Department of

Appendix B – RLA Ballot Manifest Template

Storage Bin/Precinct	Batch Number	Batch ID	Scanner Count	Damaged Ballots	Batch Size
P1	1	P1.1			
P1	2	P1.2			
P1	3	P1.3			
P1	4	P1.4			
P1	5	P1.5			
P1	6	P1.6			
P2	1	P2.1			
P2	2	P2.2			
P2	3	P2.3			
P2	4	P2.4			
P2	5	P2.5			
P2	6	P2.6			
P2	7	P2.7			
P2	8	P2.8			
P2	9	P2.9			
P3	1	P3.1			
P3	2	P3.2			
P3	3	P3.3			
P3	4	P3.4			
P3	5	P3.5			
P3	6	P3.6			
P3	7	P3.7			
P3	8	P3.8			
P3	9	P3.9			
P4	1	P4.1			
P4	2	P4.2			
P4	3	P4.3			
P4	4	P4.4			
P4	5	P4.5			
P4	6	P4.6			
P4	7	P4.7			
P5	1	P5.1			
P5	2	P5.2			
P5	3	P5.3			
P5	4	P5.4			
P5	5	P5.5			
P5	6	P5.6			
P6	1	P6.1			
P6	2	P6.2			

P6	3	P6.3			
P6	4	P6.4			
P6	5	P6.5			
P6	6	P6.6			
P6	7	P6.7			
CAP	1	CAP.1			
CAP	2	CAP.2			
CAP	3	CAP.3			
CAP	4	CAP.4			

Appendix C – Completed Ballot Manifest

Storage Bin/Precinct	Batch Number	Batch ID	Scanner Count	Batch Size
P1	1	P1.1	25	25
P1	2	P1.2	25	25
P1	3	P1.3	25	25
P1	4	P1.4	25	25
P1	5	P1.5	11	11
P2	1	P2.1	25	25
P2	2	P2.2	25	25
P2	3	P2.3	25	25
P2	4	P2.4	25	25
P2	5	P2.5	25	25
P2	6	P2.6	25	25
P2	7	P2.7	25	25
P2	8	P2.8	12	12
P3	1	P3.1	25	25
P3	2	P3.2	25	25
P3	3	P3.3	25	25
P3	4	P3.4	25	25
P3	5	P3.5	25	25
P3	6	P3.6	25	25
P3	7	P3.7	25	25
P3	8	P3.8	10	10
P4	1	P4.1	25	25
P4	2	P4.2	25	25
P4	3	P4.3	25	25
P4	4	P4.4	25	25
P4	5	P4.5	25	25
P4	6	P4.6	20	20
P5	1	P5.1	25	25
P5	2	P5.2	25	25
P5	3	P5.3	25	25
P5	4	P5.4	25	25
P5	5	P5.5	17	17
P6	1	P6.1	25	25
P6	2	P6.2	25	25
P6	3	P6.3	25	25
P6	4	P6.4	25	25
P6	5	P6.5	25	25
P6	6	P6.6	17	17
CAP	1	CAP.1	25	25
CAP	2	CAP.2	25	25
CAP	3	CAP.3	11	11
Total	--	--	948	948

Appendix D – Chain of Custody

A chain of custody provides chronological documentation that records the sequence of custody, control, and transfer of physical records. In this instance, the purpose of the chain of custody documentation is to record the sequence of custody, control, and transfer of the ballots during the procedure for a Risk-Limiting Audit.

Chain of Custody Log

The chain of custody log records when and for how long each RLA participant controls the ballots. Each participant should sign in and sign out of custody of the ballots and should not handle the ballots at any other time of the RLA. Only participants of the RLA may handle the ballots during this process. If an individual is not listed as a participant of the RLA, they cannot handle the ballots at any time during the RLA process.

Participants:

- Clerk of the Circuit Court
- Election officials
- Local Electoral Board members

Clerk of the Circuit Court

Ballots must be sealed and in custody of the Clerk at the start of the RLA. The Clerk should be considered the end point of the RLA. Participants will sign out and sign in ballots to the Clerk. Once all boxes have been returned, the Clerk should store the boxes as required by Va. Code § 24.2-669.

Election Officials

Election officials will sign out the sealed ballots from the Clerk. Signing out the sealed ballots will place them in the custody of the election officials. The election officials will pull a percentage of ballots as required to complete the RLA.

Pulled Ballots

Pulled ballots will be placed in the RLA box for processing by the local electoral board members.

Remaining Ballots

Remaining ballots that were not pulled by the election officials must be resealed within their boxes. Election officials must return these sealed boxes to the Clerk and sign the boxes back into the custody of the Clerk. The election officials will not have given custody of the ballots to the Clerk until the ballots have been signed in.

Local Electoral Board Members

Local Electoral Board members will adjudicate the pulled ballots for the RLA process. Once adjudication is complete, the board members must seal the RLA box with the electoral board's seal and deliver the sealed box to the Clerk. Each electoral board member must sign in the box to the Clerk.

Ballot Labels and Inserts

City of Fairfax

Election Date: June 12, 2018

Box or Envelope #3: Non-RLA Ballots

Ballots not adjudicated in the RLA with placeholder

Precinct _____

Audit Date: _____

Batch ID	Batch Size	# of RLA Ballots	Final Batch Size
Precinct Total			

Officer Signatures:

Date: _____

TO: CLERK OF THE CIRCUIT COURT

OPEN THIS BOX ONLY . . .	<ul style="list-style-type: none">• ON ORDER OF A COURT, OR• WITH AUTHORIZATION OF THE VIRGINIA DEPARTMENT OF ELECTIONS § 24.2-669, CODE OF VIRGINIA
---------------------------------	---

RETENTION: DISPOSITION DESTROY	<ul style="list-style-type: none">• FEDERAL ELECTIONS = TWO (2) YEARS• ALL OTHER ELECTIONS = ONE (1) YEAR
---	--

City of Fairfax

Election Date: June 12, 2018

Box or Envelope #3: Adjudicated Ballots

Ballots adjudicated as part of the RLA

Audit Date: _____

Precinct	Number of Ballots
001	
002	
003	
004	
005	
006	
CAP	

Electoral Board Signatures:

Date: _____

TO: CLERK OF THE CIRCUIT COURT

OPEN THIS BOX ONLY ...	<ul style="list-style-type: none">• ON ORDER OF A COURT, OR• WITH AUTHORIZATION OF THE VIRGINIA DEPARTMENT OF ELECTIONS § 24.2-669, CODE OF VIRGINIA
-------------------------------	---

RETENTION: DISPOSITION DESTROY	<ul style="list-style-type: none">• FEDERAL ELECTIONS = TWO (2) YEARS• ALL OTHER ELECTIONS = ONE (1) YEAR
---	--

Batch Folder Label

Manual Count	
Scanner Count	
Digital Images	
Undervotes	
Overvotes	
Batch Size	
Batch ID	

Batch Folder Label

Manual Count	
Scanner Count	
Digital Images	
Undervotes	
Overvotes	
Batch Size	
Batch ID	

Batch Folder Label

Manual Count	
Scanner Count	
Digital Images	
Undervotes	
Overvotes	
Batch Size	
Batch ID	

Batch Folder Label

Manual Count	
Scanner Count	
Digital Images	
Undervotes	
Overvotes	
Batch Size	
Batch ID	

Batch Folder Label

Manual Count	
Scanner Count	
Digital Images	
Undervotes	
Overvotes	
Batch Size	
Batch ID	

Batch Folder Label

Manual Count	
Scanner Count	
Digital Images	
Undervotes	
Overvotes	
Batch Size	
Batch ID	

Retrieved Ballot Label

Precinct:		
Batch	Position	Audit Type (Check One)
P		<input type="checkbox"/> Comparison Audit (green) <input type="checkbox"/> Polling Audit (yellow)

INSTRUCTIONS:

Once the ballot is retrieved, the election officials will place a colored sheet of paper in the position the ballot used to occupy in the box. Complete and attach this label.

EXAMPLE		
Precinct: 1		
Batch	Position	Audit Type
P1.1	10	<input type="checkbox"/> Comparison Audit (green) <input type="checkbox"/> Polling Audit (yellow)

Retrieved Ballot Folder Label

This folder contains retrieved ballots for the Comparison Audit

Precinct (Circle): 01 02 03 04 05 06 CAP

How many retrieved ballots are in this folder? _____

List the ballot ID of each ballot. EXAMPLE: Precinct-Batch-Position: P1-2-20)				
P	P	P	P	P
P	P	P	P	P
P	P	P	P	P
P	P	P	P	P
P	P	P	P	P
P	P	P	P	P
P	P	P	P	P
P	P	P	P	P
P	P	P	P	P
P	P	P	P	P
P	P	P	P	P
P	P	P	P	P

Complete this portion when you relinquish or gain custody of the folder

Ballot Custody Transfer	Name	Initials	Time
Relinquishing Custody			a.m. p.m.
Gaining Custody			a.m. p.m.
Relinquishing Custody			a.m. p.m.
Gaining Custody			a.m. p.m.
Relinquishing Custody			a.m. p.m.
Gaining Custody			a.m. p.m.
Relinquishing Custody			a.m. p.m.
Gaining Custody			a.m. p.m.

Retrieved Ballot Folder Label

This folder contains retrieved ballots for the Polling Audit

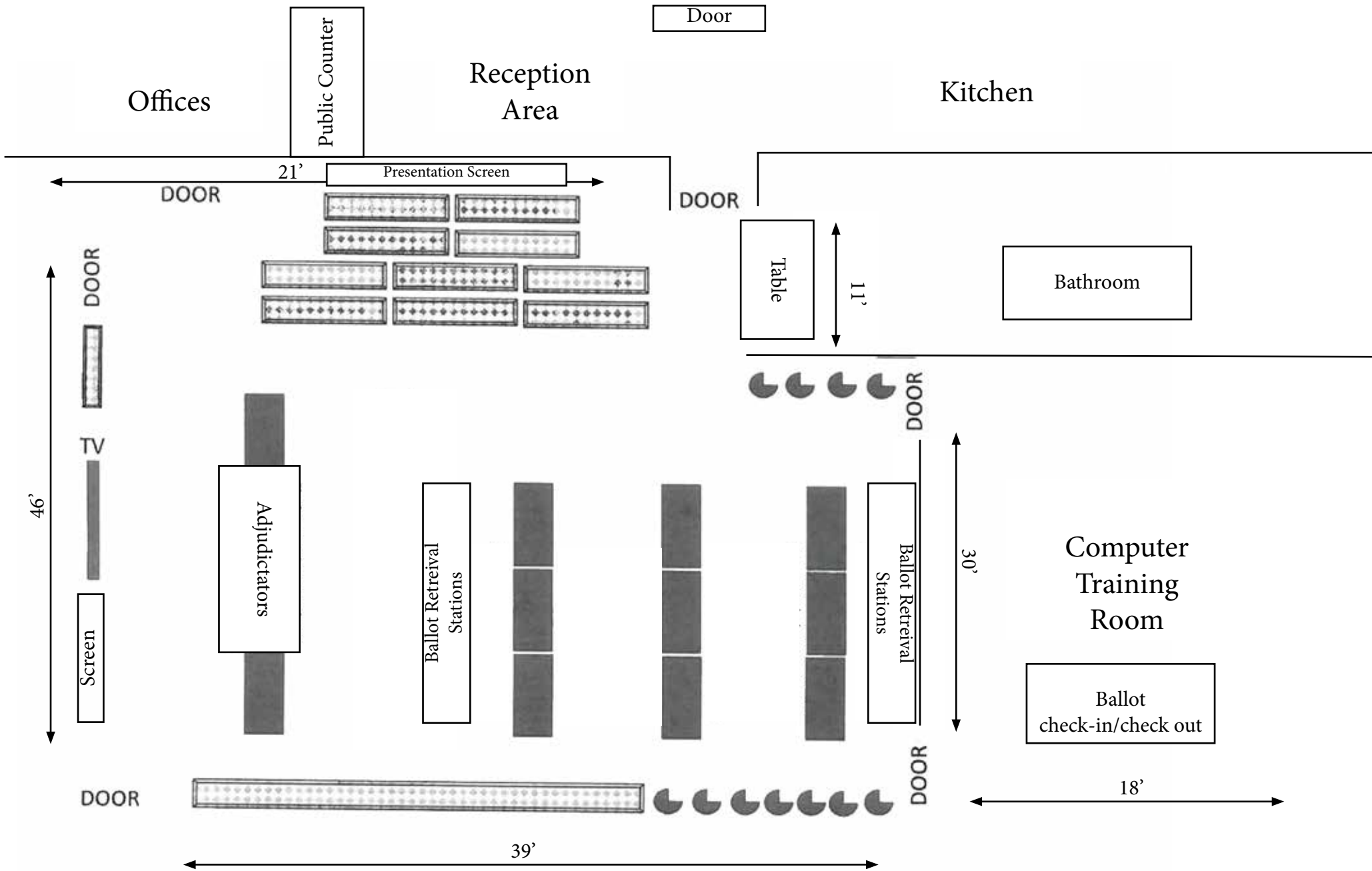
Precinct (Circle): 01 02 03 04 05 06 CAP

How many retrieved ballots are in this folder? _____

List the ballot ID of each ballot. EXAMPLE: Precinct-Batch-Position: P1-2-20)									
P	P	P	P	P	P	P	P	P	P
P	P	P	P	P	P	P	P	P	P
P	P	P	P	P	P	P	P	P	P
P	P	P	P	P	P	P	P	P	P
P	P	P	P	P	P	P	P	P	P
P	P	P	P	P	P	P	P	P	P
P	P	P	P	P	P	P	P	P	P
P	P	P	P	P	P	P	P	P	P
P	P	P	P	P	P	P	P	P	P
P	P	P	P	P	P	P	P	P	P
P	P	P	P	P	P	P	P	P	P

Complete this portion when you relinquish or gain custody of the folder

Ballot Custody Transfer	Name	Initials	Time
Relinquishing Custody			a.m. p.m.
Gaining Custody			a.m. p.m.
Relinquishing Custody			a.m. p.m.
Gaining Custody			a.m. p.m.
Relinquishing Custody			a.m. p.m.
Gaining Custody			a.m. p.m.
Relinquishing Custody			a.m. p.m.
Gaining Custody			a.m. p.m.



4th fl Jury Assembly Layout Room 404



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Stand By Your Ad Hearings

BOARD WORKING PAPERS
Arielle A. Schneider
Policy Analyst



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Stand By Your Ad

September 20, 2018

State Board of Elections meeting

Print Media

1. Alexandrians for Accountability at City Hall
2. Alexandrians for Better City Government
3. Friends of Cesar – Cesar del Aguila
4. Chris for City Council – Chris Hubbard
5. Hampton Watch
6. Friedrich, Olem, del Aguila (“Moving Herndon Forward”)
7. Newcomer for Leesburg School Board
8. Robey 2019
9. Signe for Herndon
10. Virginians Against Alcoholism

Print Media

Advertisement sponsored by candidate or candidate committee

- Does the ad clearly identify another candidate?
- Did the other candidate approve the ad?

No Other Candidate Mentioned in Ad	Another Candidate Mentioned (who approved the ad)	Another Candidate Mentioned (did not approve the ad)	Jointly Sponsored Ad
“Paid for by John Doe.” OR “Authorized by John Doe.”	Paid for by John Doe. Authorized by Jane Smith, candidate for Delegate.	Paid for by John Doe. Not authorized by any other candidate.	Paid for by John Doe, Donald Duck and Jane Smith.

Substantial Compliance: An advertisement is only substantially compliant if the words used in the disclosure *unambiguously* convey the information required by Chapter 9.5. Under this standard, advertisement disclaimers must communicate to a reasonable person what is intended and may not admit to alternative interpretations.

As documented in the Substantial Compliance Memo, on November 16, 2016 the SBE ruled for the first time on substantial compliance. An advertisement bearing the disclosure legend “Sponsored by [Name of committee]” rather than the approved “Paid for” or “Authorized by” conveyed the information required by § 24.2-956 and was therefore in substantial compliance.

Schedule of Penalties for PAC

Section 15.2 - Penalties for Political Action Committees

The following penalties will apply only to political action committees which sponsor political advertisements.

Print Media

Violators shall be assessed a penalty as follows:

- \$50 for a first time violation with explanation, apology and/or remedial measures taken;
- \$100 for a first time violation without explanation, apology and/or remedial measures taken;
- \$250 for any second violation;
- \$500 for any third violation; and
- \$1000 for any fourth or subsequent violation.

If the advertisement is disseminated or on display in the 14 days prior to or on the Election Day for which the advertisement pertains, the above penalties will be doubled and the maximum penalty would be \$2,500.

Schedule of Penalties for *candidates for statewide office*

Section 15.2 - Penalties for Candidates for Statewide Office

The following penalties will apply only to statewide candidates or statewide campaign committees which sponsor political advertisements.

Print Media

Violators shall be assessed a penalty as follows:

- \$50 for a first time violation with explanation, apology and/or remedial measures taken;
- \$100 for a first time violation without explanation, apology and/or remedial measures taken;
- \$250 for any second violation;
- \$500 for any third violation; and
- \$1000 for any fourth or subsequent violation.

If the advertisement is disseminated or on display in the 14 days prior to or on the Election Day for which the advertisement pertains, the above penalties will be doubled and the maximum penalty would be \$2,500.

Schedule of Penalties *candidates for General Assembly or local candidates*

Section 15.3 - Penalties for Candidates for General Assembly or Local Office

The following penalties will apply only to General Assembly or local candidates and/or their campaign committees which sponsor political advertisements.

Print Media

Violators shall be assessed a penalty as follows:

- \$50 for a first time violation with explanation, apology and/or remedial measures taken
- \$100 for a first time violation without explanation, apology and/or remedial measures taken
- \$250 for any second violation
- \$500 for any third violation
- \$1000 for any fourth or subsequent violation

If the advertisement is disseminated or on display in the 14 days prior to or on the Election Day for which the advertisement pertains, the above penalties will be doubled and the maximum penalty would be \$2,500.

1. Alexandrians for Accountability at City Hall

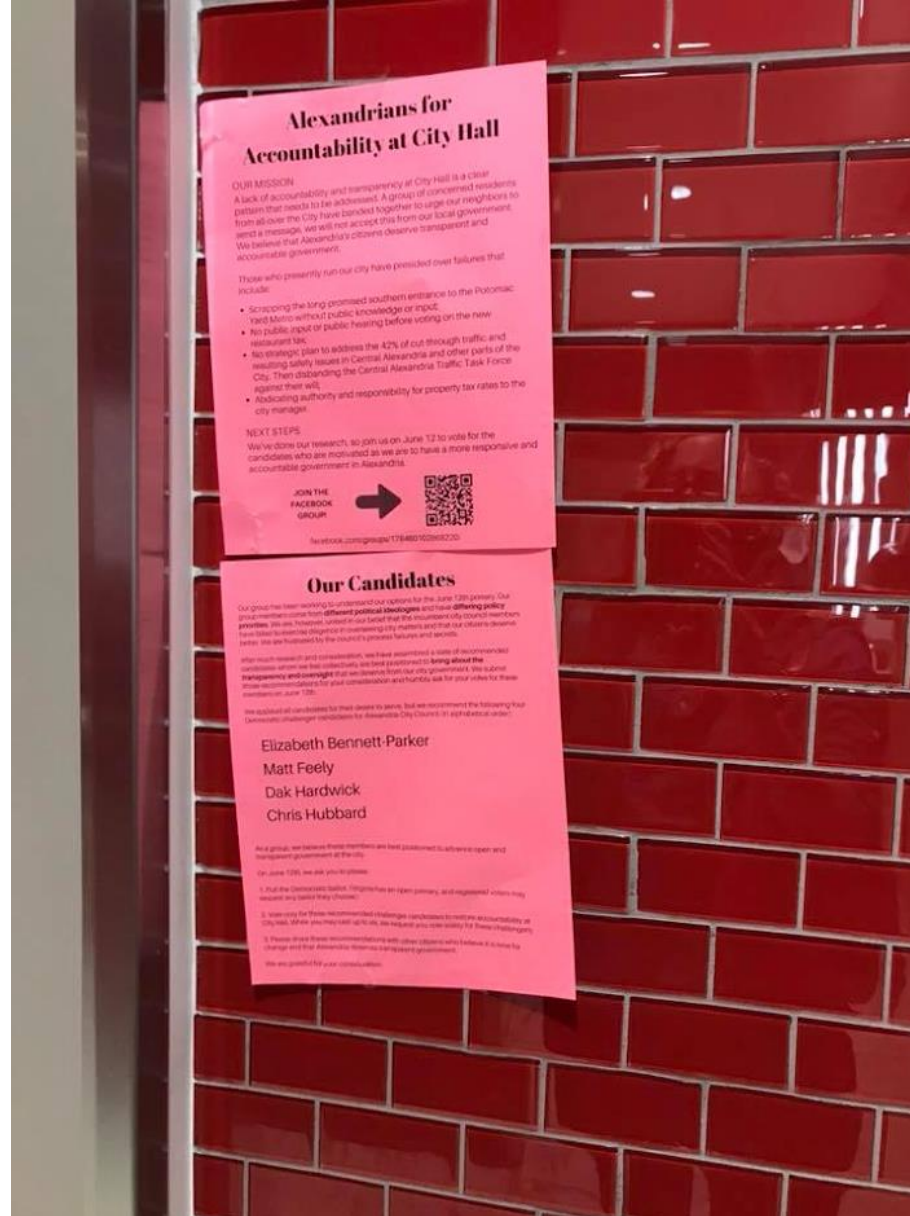


Exhibit 1

Alexandrians for Accountability at City Hall

OUR MISSION

A lack of accountability and transparency at City Hall is a clear pattern that needs to be addressed. A group of concerned residents from all over the City have banded together to urge our neighbors to send a message, we will not accept this from our local government. We believe that Alexandria's citizens deserve transparent and accountable government.

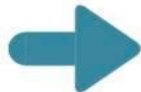
Those who presently run our city have presided over failures that include:

- Scrapping the long-promised southern entrance to the Potomac Yard Metro without public knowledge or input;
- No public input or public hearing before voting on the new restaurant tax;
- No strategic plan to address the 42% of cut-through traffic and resulting safety issues in Central Alexandria and other parts of the City. Then disbanding the Central Alexandria Traffic Task Force against their will;
- Abdicating authority and responsibility for property tax rates to the city manager.

NEXT STEPS

We've done our research, so join us on June 12 to vote for the candidates who are motivated as we are to have a more responsive and accountable government in Alexandria.

JOIN THE
FACEBOOK
GROUP!



facebook.com/groups/178460102868220/

Exhibit 2

Alexandrians for Accountability at City Hall

OUR MISSION

A lack of accountability and transparency at City Hall is a clear pattern that needs to be addressed. A group of concerned residents from all over the City have banded together to urge our neighbors to send a message, we will not accept this from our local government. We believe that Alexandria's citizens deserve transparent and accountable government.

Those who presently run our city have presided over failures that include:

- Scrapping the long-promised southern entrance to the Potomac Yard Metro without public knowledge or input;
- No public input or public hearing before voting on the new restaurant tax;
- No strategic plan to address the 42% of cut-through traffic and resulting safety issues in Central Alexandria and other parts of the City. Then disbanding the Central Alexandria Traffic Task Force against their will;
- Abdicating authority and responsibility for property tax rates to the city manager.

NEXT STEPS

We've done our research, so join us on June 12 to vote for the candidates who are motivated as we are to have a more responsive and accountable government in Alexandria.

JOIN THE
FACEBOOK
GROUP!



facebook.com/groups/178460102868220/

Our Candidates

Our group has been working to understand our options for the June 12th primary. Our group members come from **different political ideologies** and have **differing policy priorities**. We are, however, united in our belief that the incumbent city council members have failed to exercise diligence in overseeing city matters and that our citizens deserve better. We are frustrated by the council's process failures and secrets.

After much research and consideration, we have assembled a slate of recommended candidates whom we feel collectively are best positioned to **bring about the transparency and oversight** that we deserve from our city government. We submit those recommendations for your consideration and humbly ask for your votes for these members on June 12th.

We applaud all candidates for their desire to serve, but we recommend the following four Democratic challenger candidates for Alexandria City Council (in alphabetical order):

Elizabeth Bennett-Parker

Matt Feely

Dak Hardwick

Chris Hubbard

As a group, we believe these members are best positioned to advance open and transparent government at the city.

On June 12th, we ask you to please:

1. Pull the Democratic ballot. (Virginia has an open primary, and registered voters may request any ballot they choose;)
2. Vote only for these recommended challenger candidates to restore accountability at City Hall. While you may cast up to six, we request you vote solely for these challengers;
3. Please share these recommendations with other citizens who believe it is time for change and that Alexandria deserves transparent government.

We are grateful for your consideration.

June 6th

Announced Endorsement



TrafficZen - Central Alex citizens for traffic safety & less congestion

@CentralAlexVA

Home

Events

About

Videos

Photos

Posts

Community

Info and Ads

Create a Page

Like Follow Share ...



TrafficZen - Central Alex citizens for traffic safety & less congestion shared a group.

June 6 · 🌐

Alexandrians for Accountability at City Hall just announced endorsements for:

- Elizabeth Bennett-Parker
- Matt Feely
- Dak Hardwick
- Chris Hubbard

To learn more, join our FB group:

<https://www.facebook.com/jill.e.hoffman.../10156270471929933>



Closed Group
374 Members

+ Join Group

Loading...

3 Comments

1

Like

Comment

Share

Exhibit 3

Alexandrians for Accountability at City Hall

Closed Group

[+ Join Group](#) [... More](#) Join this group to see the discussion, post and comment.

About This Group

Description

A lack of accountability and transparency at City Hall is a clear pattern that needs to be addressed. A group of concern citizens from all over Alexandria have been working to understand our options for the June 12th primary. Our group members come from different political ideologies and have differing policy priorities. We are, however, united in our belief that the incumbent city council members have failed to exercise diligence in overseeing city matters and that our citizens deserve better. We are frustrated by the council's process failures and secrets.

After much research and consideration, we have assembled a slate of recommended candidates whom we feel collectively are best positioned to bring about the transparency and oversight that we deserve from our city government. We submit those recommendations for your consideration and humbly ask for your votes for these members on June 12th.

We applaud all candidates for their desire to serve, but we recommend the following four Democratic challenger candidates for Alexandria City Council (in alphabetical order):

- Elizabeth Bennett-Parker
- Matt Feely
- Dak Hardwick
- Chris Hubbard

CREATE NEW GROUPS

Groups make it easier than ever to share with friends, family and teammates.


[Create Group](#)

RECENT GROUP PHOTOS

[See All](#)


Suggested Groups

[See All](#)



Dogspotting Society
392,453 members

[+ Join](#)



68

Response

HOLTZMAN VOGEL JOSEFIAK TORCHINSKY PLLC
Attorneys at Law

45 North Hill Drive • Suite 100 • Warrenton, VA 20186

State Board of Elections
Washington Building
1100 Bank Street
First Floor
Richmond, Virginia 23219

September 17, 2018

Dear Honorable Commissioners of the State Board of Elections:

I write to you today on behalf of my clients, Mrs. Laura Donovan Haines, Mrs. Ashlee Reid Morehouse, Mrs. Laura Turner O'Hara, and Mr. Armstrong Robinson (collectively, "the Respondents"). The Respondents each individually received a letter from the Virginia State Board of Elections, all dated September 5, 2018, notifying them of a complaint filed against Alexandrians for Accountability at City Hall, and inviting them to appear before you or respond in writing in advance of the September 20, 2018 State Board of Elections meeting. The Respondents appreciate the invitation to respond to this baseless complaint, and respectfully submit the following information for your consideration.

Alexandrians for Accountability at City Hall ("AACH") is the name informally shared by a group of Alexandria, Virginia residents interested in creating transparency in Alexandria's local government. This was far from a formalized entity, but rather a group of neighbors concerned about local developments in traffic patterns and resident safety, tax increases, and development and zoning decisions, among other issues, and looking to raise local awareness about policies and decisions impacting residents of the City of Alexandria. AACH is in no way affiliated with any candidate or political party. Under the AACH name, the individuals started a Facebook group and distributed two flyers, enclosed herein as Exhibit 1 and Exhibit 2. The AACH name has not been used as a part of any other activities, meetings, or events, and there are no future plans for any additional activities at this time. No individual associated with AACH spent any money with respect to the Facebook group. Collectively, the individuals associated with AACH spent \$43.73 to make copies of Exhibit 1, and an additional \$194.49 to make copies of Exhibit 2. No other expenses were incurred by any individual as a part of AACH. Furthermore, only individual funds were spent in connection with the AACH activities mentioned herein.

Section 24.2-955 of the Code of Virginia, entitled "Scope of Disclosure Requirements", provides that the disclosure requirements set forth as part of Virginia's Stand by Your Ad law apply "to any sponsor of an advertisement...the cost or value of which constitutes an expenditure or contribution required to be disclosed...", except that the disclosure requirements of this Chapter do not apply to (i) an individual who makes independent expenditures aggregating...less than

\$200 in an election cycle for or against a candidate for any [non-statewide] office" (emphasis added). "Advertisement" is defined in the Code of Virginia as "any message appearing in print media, on television, or on radio that constitutes a contribution or expenditure under Chapter 9.3."

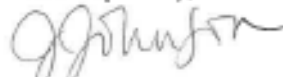
Neither Exhibit 1 nor Exhibit 2 meet the definition of an "advertisement" as set forth in Virginia Code, and for that reason, the disclosure requirements do not apply to the flyers. The individuals associated with AACH engaged in no other paid activity and spent no additional funds as part of AACH other than those listed above. Additionally, Exhibit 1 clearly does not meet the definition of contribution or expenditure as set forth in the Code of Virginia in Section 24.2-945.1. No candidate is even mentioned or referenced on the face of Exhibit 1, and there is most certainly no express advocacy contained on the flyer. While Exhibit 2 does contain the name of city council candidates, and does encourage Alexandria residents to vote for the candidates listed, the individuals participating in AACH spent \$194.49 to make copies of Exhibit 2. Thus, even if Exhibit 2 qualifies as an advertisement under Virginia Code, the funds spent to distribute copies of the flyer do not trigger application of the disclosure requirements.

The Respondents take compliance with Virginia law very seriously, and only engaged in activities as part of AACH once verifying that the activities would be permissible under state law. We trust that the information provided satisfies the Commissioners as to AACH's compliance, and that this baseless complaint will be dismissed, but Respondents would be happy to provide any additional information needed by the Commissioners to resolve this matter.

Lastly, we would also direct the Commissioners' attention to Exhibit 3, which contains the complaint as emailed to the State Board of Elections, and Exhibit 4, which contains screenshots of related communications made by complainant. Complainant was assured on June 11, 2018 that the individuals involved with AACH were complying with the law, but filed a complaint anyway. Furthermore, on June 13, 2018, two days after the filing the complaint and corresponding with AACH, complainant went so far as to make an online threat toward individuals complainant believed to be associated with AACH, among other local groups. While Respondents are grateful for the opportunity to respond to any public inquiries regarding AACH's activities and mission, Respondents are not taking complainants' online bullying lightly, and believe complainant is resorting to unfounded legal accusations in an attempt to silence and intimidate those with whom she disagrees. While we certainly value a process that ensures that the rule of law is followed, we also strongly believe that people should be held accountable for threats and efforts to engage in voter intimidation.

Please do not hesitate to contact me should you have additional questions related to this matter.

Most respectfully,



Jessica Furst Johnson

Political Action Committees

Any stock or nonstock corporation, labor organization, membership organization, cooperative, or **other group of persons** may establish and administer for political purposes, and solicit and expend contributions for, a political action committee. 24.2-949.1

Each political action committee that anticipates ... making expenditures in excess of \$200 in a calendar year shall file with the State Board a statement of organization within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will ... make expenditures in excess of \$200. 24.2-949.2

2. Alexandrians for Better City Government

COMMONWEALTH OF VIRGINIA
City of Alexandria

City of Alexandria
Democratic Party Primary Election
Tuesday, June 12, 2018

Sample Ballot

Please use a black or blue ink pen to mark your ballot.

To vote for a candidate, fill in the box next to the name.

If you want to change a vote or if you have made a mistake, contact the Election Staff for another ballot.

Mayor
(Vote for only one)

Allison Silberberg
 Justin M. Wilson

Member City Council
(Vote for not more than six)

Amy B. Jackson
 John Taylor Chapman
 Willie F. Bailey Sr.
 Redalla S. "Del" Pepper
 Mo Seifeldain
 Matthew S. "Matt" Feely
 Canek Aguirre
 Derek M. "Dak" Hardwick
 Paul C. Smedberg
 Elizabeth B. Bennett-Parker
 Robert Ray IV
 J. Chris Hubbard

VOTE FOR CHANGE
Break the Bloc

Vote for **4**
and no more

**Mayor 1
Council 3**

Non Partisan
Better Policy
Less Politics

A4BCG

Paid for by
Alexandrians for Better City Government
Alexandria, VA 22314
Alex4BCG.org

Not Authorized by Any Candidate

Sample Ballot



* VIRGINIA *
DEPARTMENT of ELECTIONS

VIRGINIA VOTERS' ELECTION DAY
COMPLAINT FORM
HOW TO FILE A COMPLAINT USING THE
VOTER GRIEVANCE PROCESS

VIRGINIA VOTERS' ELECTION DAY COMPLAINT FORM

Ask an Election Official to help you if you need assistance completing this form.
Please write legibly.

Your Name (last, first, middle)		Today's Date	
Maier-Miller, Tricia Anne		6/12/2018	
Your Address (Number and Street)	City	State	Zip Code
2801 Valley Drive	Alexandria	VA	22302
Your Daytime telephone number		Email address (optional)	
703-824-0777			
Polling Place Name			
Blessed Sacrament			
Polling Place Address (Number and Street)		City	State Zip Code
1417 West Broadrock Road		Alexandria	VA 22302
Name of Election Official or Volunteer if known			
Renee Rutkowski			
Date of Incident			
June 12, 2018			
Describe Your Complaint (attach additional pages if necessary)			
A woman wearing a pink shirt accosted me when I arrived to vote. She said that I should take a "Democratic sample ballot." When I looked at it inside, I noticed			
Your Signature			
Tricia A. Maier-Miller			
Notary's Signature (required for formal HAVA Title III complaints)		NOTARY PUBLIC REG #780808 COMMONWEALTH OF VIRGINIA COMMISSION EXPIRES: JULY 31, 2016	
Notary's Commission Expiration Date		07/31/2016	

OFFICE USE ONLY

Complaint Number:

Date Received:

Department of Elections Staff Member Assigned:

Hearing Date:

Final Determination Issued:


SBE-15512

Page 3 of 4
for the Democratic Party
for the Democratic Party
I looked through it when I was given one and she offered.

that it was actually funded by a DNC called A4BCG. I checked it and realized that what I was given was

3. Friends of Cesar – Cesar del Aguila

**Cesar for Herndon
Town Council**




- An Independent Thinker that will help change the Town Council
- Will Welcome and Listen to All Views
- Push for Full Decision Transparency
- Push for Responsible Downtown Development
- Leverage our History and Diversity
- Push for Traffic Calming Solutions

FB: Cesar Loves Herndon
cesar4herndon@gmail.com

Please vote for Cesar on election day, November 6, 2018.
Printed In-house
Authorized and paid for by Friends of Cesar

**Cesar for Herndon
Town Council**



- Bring a business and executive perspective to the council decision making process
- Push to obtain more state and county tax dollars for Herndon
- Negotiate and fight harder against developers
- Promote all of our vibrant businesses
- Encourage more housing product to include forgotten economic segments
- Demand work sessions be broadcast, recorded and posted online just like public hearings

Please vote for Cesar on election day, November 6, 2018.

Printed In-house
Authorized and paid for by Friends of Cesar

SBYA Applies to Town of Herndon

TOWN OF HERNDON, VIRGINIA

ORDINANCE

MAY 10, 2011

Ordinance- Adding new Section 2-3, Campaign Finance Disclosure Act, Herndon Town Code, to enact provisions of the Campaign Finance Disclosure Act of 2006.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. Herndon Town Code (2000), as amended, is amended and re-ordained by the addition of new Section 2-3, Campaign Finance Disclosure Act, as follows:

Sec. 2-3. Campaign Finance Disclosure Act.

1. The provisions of Chapter 9.3, Campaign Disclosure Act of 2006, Title 24.2, Elections, Code of Virginia shall apply with necessary changes to all elections for town offices in the town and to participants therein.
2. All criminal penalties, or civil penalties, or both shall be levied, imposed, or collected with necessary changes pursuant to Chapter 9.3, Campaign Disclosure Act of 2006, Title 24.2, Elections, Code of Virginia.
3. This ordinance shall be effective on and after January 1, 2012.

This is certified to be a true and accurate copy of Ordinance 10-O-41 adopted at a legally convened meeting of the Town Council of the Town of Herndon on May 10, 2011.

Margie C. Tacci
Margie C. Tacci, Deputy Town Clerk

Candidate Filings

Commonwealth of Virginia
CERTIFICATE OF CANDIDATE QUALIFICATION
LOCAL OFFICES

NOTICE: YOU MUST FILE THIS FORM WITH THE GENERAL REGISTRAR BY THE FILING DEADLINE. FAILURE TO DO SO MAY RESULT IN YOUR DISQUALIFICATION. SEE REVERSE SIDE FOR DETAILS.

Pursuant to § 24.2-501 of the Code of Virginia, I hereby certify that:

- I am a citizen of the United States. YES NO
- I am at least eighteen years of age or will be on or before the date of the election for the office I am seeking. YES NO
- I have been a resident of the Commonwealth of Virginia for the year immediately preceding the election for the office I am seeking. YES NO
- I now reside at the address shown below in the county or city and, if applicable, district in which I seek office (residence address must be given; post office box or general delivery is not acceptable).
126 FORTMONTLY BLVD
STREET AND NUMBER, RURAL ROUTE AND BOX NUMBER, OR HIGHWAY ROUTE NUMBER
 City/Town HERNDON ZIP 20170-3752
[If town, also list County of residence: FAIRFAX COUNTY]

- I am registered to vote at the above address in the precinct in which I reside. YES NO
(For my application for registration, transfer, or change of address is on file in the general registrar's office.)
- Have you ever been convicted of a felony or any other crime that would preclude you from holding office? (See, e.g., § 18.2-472) YES NO
- Have you ever been adjudicated mentally incompetent and lost your right to vote? YES NO
- If you answered YES to 6, give date of certificate restoring voting rights.
If YES to 7, give date of court order restoring competency. YES NO
DATE OF RESTORATION
- I am an attorney admitted to the bar of the Commonwealth. YES NO
(Answer only if seeking office of Commonwealth's Attorney)

PLEASE TYPE OR PRINT LEGIBLY ALL THE FOLLOWING INFORMATION		OFFICE SOUGHT
YOUR NAME AS IT IS TO APPEAR ON BALLOT <small>(SEE REVERSE SIDE FOR REQUIREMENTS)</small>		TOWN COUNCIL
NAME OF CANDIDATE		TOWN OF HERNDON
MAILING OR CAREWASH ADDRESS	CESAR A. DEL AGUILA 126 FORTMONTLY BLVD. HERNDON, VA 20170-3752	YOUR SOCIAL SECURITY NUMBER 216 82-3849
E-MAIL ADDRESS	CESARDELAC@GMAIL.COM	SELF STATEMENT ON REVERSE SIDE ELECTION DATE (MM/DD/YYYY) 11/6/2018
WEB ADDRESS	WWW.CESARDEL.COM	CHECK ONE: <input type="checkbox"/> Republican Primary <input type="checkbox"/> Special Election <input type="checkbox"/> Democratic Primary <input checked="" type="checkbox"/> General Election
		(AREA CODE) HOME TELEPHONE: 703.989.4023
		(AREA CODE) BUSINESS TELEPHONE: 703.707.0019

I do solemnly swear (or affirm) subject to penalty provisions for making false statements that the information given above is true and correct and that I am qualified to vote for and hold the office for which I am a candidate.

Cesar Del Aguila 6/6/18
 SIGNATURE OF CANDIDATE DATE

State of Virginia County/City of Fairfax
 The foregoing instrument was subscribed and sworn before me this 6th day of June 2018 by Cesar Del Aguila
 FIRST NAME OF CANDIDATE
Michael O'Reilly 221607 4/17/02
 SIGNATURE OF NOTARY OR CLERK OF COURTS NOTARY REGISTRATION NUMBER DATE OF NOTARY COMMISSION EXPIRES

KNOWINGLY MAKING ANY UNTRUE STATEMENT OR ENTRY IN THIS DOCUMENT IS A FELONY UNDER VIRGINIA LAW. THE PENALTIES ARE A MAXIMUM FINE OF \$2,500 AND/OR CONFINEMENT FOR UP TO TEN YEARS. ALSO, YOU LOSE YOUR RIGHT TO VOTE.

*See § 15.2-1525 of the Code of Virginia for certain exceptions to residence requirements for Commonwealth's Attorneys. SBE-0714) REV 1/15 SEE INSTRUCTIONS ON REVERSE SIDE

SCHEDULE H: SUMMARY OF RECEIPTS AND DISBURSEMENTS
 MUST BE TYPED OR PRINTED LEGIBLY IN INK
 FILER IS SUBJECT TO FINES IF ALL INFORMATION REQUIRED ON THIS FORM IS NOT GIVEN.
 REPORT PERIOD FROM June 1, 2018 THROUGH June 30, 2018

Friends of Cesar
 FULL NAME OF CANDIDATE, CANDIDATE'S COMMITTEE, OR POLITICAL COMMITTEE
*Please Enter Zero On Lines with No Activity

- Beginning Balance [Line 19 of last report] \$ 0.00
- Receipts for Current Reporting Period:
 - Contributions received this period [Line 5 of Schedule G] \$ 750.00
 - Bank interest, refunded expenditures and rebates [Line 6 of Schedule G] \$ 0.00
 - Loans received this period [Line 12 of Schedule G] \$ 0.00
 - Subtotal: Contributions and Receipts received this period [Add Lines 17a, 17b and 17c above] \$ 750.00
 - Total Expendable Funds [Add Lines 16 and 17d] \$ 750.00
- Disbursements for Current Reporting Period:
 - Expenditures made this reporting period [Line 10 of Schedule G] \$ 376.32
 - Loans repaid this reporting period [Line 14 of Schedule G] \$ 0.00
 - Other surplus funds paid out [from Schedule I] \$ 0.00
 - Total Payments Made [Add lines 18a, 18b, and 18c] \$ 376.32
- Ending Balance [Subtract Line 18d from Line 17e] (MUST MATCH LINE 21) \$ 373.68
- Total Unpaid Debts [from Schedule F of this report] \$ 0.00

Committee's Receipts and Disbursements – Election Cycle Totals

- Balance at Start of Election Cycle \$ 0.00
- Previous Receipts [Line 24 from last report] (ENTER ZERO IF FIRST REPORT OF ELECTION CYCLE) \$ 0.00
- Receipts from Current Reporting Period [Line 17d above] \$ 750.00
- Total Receipts this Election Cycle [Add lines 22 and 23] \$ 750.00
- Total Funds Available [Add lines 21 and 24] \$ 750.00
- Previous Disbursements [Line 28 from last report] (ENTER ZERO IF FIRST REPORT OF ELECTION CYCLE) \$ 0.00
- Disbursements from Current Reporting Period [Line 18d above] \$ 376.32
- Total Disbursements this Election Cycle [Add lines 26 and 27] \$ 376.32
- Ending Balance [Subtract Line 28 from Line 25 - Difference must match Line 19] \$ 373.68

CPDA-945H

SUPERSEDES ALL PREVIOUS VERSIONS

REVISED ON 07/20/18 JUL 19 10 40 AM '18

4. Chris Hubbard

Chris Hubbard

Chris Hubbard for Alexandria City Council
@chrishubbardalexandria

Home
About
Issues
Endorsements
Videos
Posts
Events
Photos
Community

Like Follow Share ...

Chris Hubbard for Alexandria City Council
June 12 · 🌐

Alexandria! Claim the quality of life you deserve. Settle for nothing less. Vote Chris Hubbard today!

#chrishubbard #alexandriacitycouncil #citycouncilelection #alexandria #june12 #chrisforhealthieralexandria

ALEXANDRIA CITY COUNCIL
Your VOTE Matters

Chris Hubbard
For a Healthier, Pedestrian-Friendly Alexandria

1

Learn More Send Message

Community See All

- Invite your friends to like this Page
- 28 people like this
- 28 people follow this

About See All

- Send Message
- chrisforhealthieralexandria.blog
- Politician
- Suggest Edits

Related Pages

- Potomac Yard Real Est...**
Real Estate Agent Like
- Rick's Flooring and Ho...**
Carpet & Flooring Store Like
- Cardinal Girls Lacross...**
Amateur Sports Team Like

Explanation/Apology/Remedial Actions Taken

SOCIAL MEDIA/FACEBOOK – ostensibly the subject of the complaint

The Chris for City Council campaign hired someone to setup and manage the website and Facebook account (costing less than \$600 for all work on social media; \$137 for FB posts and \$37 for FB “boosts”). The posts had the campaign logo “Chris for a healthier Alexandria” and said: “Published by Chris Hubbard” which was aligned to read “Paid for by Chris for City Council” as soon as alerted.

Looking at the other candidates’ Facebook sites, disclosures didn’t appear any more conspicuous on their FaceBook sites. Chris for City Council certainly had no intent to mislead anyone in what seemed obvious and overt “sponsorship” – it was simply a wording oversight from a lack of experience in campaign. Subsequently, the campaign learned that the social media “guru” was a generalist with insufficient *political* campaign experience; we all gained political experience throughout the process.

Again, on behalf of Chris Hubbard and the Chris for City Council campaign, we apologize to the SBE for any inadvertent error. We respect that this rule is important for transparency and accountability in the election process and we would certainly be cognizant of the nuances and penalties going forward.

5. Hampton Watch

James A. "Jimmy" Gray & Steve L. Brown

Member City Council
(Vote for not more than three)

- James A. "Jimmy" Gray, Jr.
- Eleanor Weston Brown
- Teresa V. Schmidt
- William J. Billy Spencer
- Richelle D. Wallace
- Steve L. Brown
- Michael A. Harris
- Brett B. Ribblett

VOTE

Urgent Message from Community Leaders!

Bishop Samuel L. Cutler
Bishop Lewis Stokes, Sr.
Rev. Dr. Stephanie A. Harris
Rev. Dr. Browlee Hailstock
Rev. Dr. Vernita Baldwin
Rev. Dr. Salathiel Henderson
Rev. Preston L. Jordan, Jr.
Rev. Dr. Gregory Howard

Rev. Dr. Dwight Riddick
Rev. Dr. Chris Carter
Rev. Dr. Reginald Woodhouse
Rev. Andre P. Jefferson
Rev. Dr. Anthony Cooper
Rev. Dr. Hallie Richardson
Rev. Simeon Green

On Tuesday, May 1, 2018
we Urge you to please vote for
Only **TWO** Candidates For Hampton City Council
STEVE L. BROWN & JAMES "JIMMY" GRAY

As we mark the 50th Anniversary of
Dr. Martin Luther King, Jr.'s
death, let your VOTE be your VOICE.

You're invited this Sunday April 28th 3pm to Get Out the Vote Rally

James A. "Jimmy" Gray & Steve L. Brown

Member City Council
(Vote for not more than three)

- James A. "Jimmy" Gray, Jr.
- Eleanor Weston Brown
- Teresa V. Schmidt
- William J. Billy Spencer
- Richelle D. Wallace
- Steve L. Brown
- Michael A. Harris
- Brett B. Ribblett

AUTHORIZED & PAID FOR BY HAMPTON WATCH

VOTE

Urgent Message from Community Leaders!

Bishop Samuel L. Cutler
Bishop Lewis Stokes, Sr.
Rev. Dr. Stephanie A. Harris
Rev. Dr. Browlee Hailstock
Rev. Dr. Vernita Baldwin
Rev. Dr. Salathiel Henderson
Rev. Preston L. Jordan, Jr.
Rev. Dr. Gregory Howard

Rev. Dr. Dwight Riddick, Sr.
Rev. Dr. Chris Carter
Rev. Dr. Reginald Woodhouse
Rev. Andre P. Jefferson, Sr.
Rev. Dr. Anthony Cooper
Rev. Dr. Hallie Richardson
Rev. Simeon Green

On Tuesday, May 1, 2018
we Urge you to please vote for
Only **TWO** Candidates For Hampton City Council
STEVE L. BROWN & JAMES "JIMMY" GRAY

As we mark the 50th Anniversary of
Dr. Martin Luther King, Jr.'s
death, let your VOTE be your VOICE.

You're invited this Sunday April 28th 3pm to Get Out the Vote Rally
YH Thomas Community Center 1300 Thomas St. Hampton
Refreshments will be served.

Email/explanation from Hampton Watch PAC

Hampton Watch Flyer Inbox x



gaylensev Sep 17, 2018, 6:10 PM (18 hours ago)
to me, Christophercarter822, Eugene, gaylenellc ▾

Good morning Mrs. Schneider,

Last week, our organization received a Stand by your ad violation letter for not having an authority statement on a flyer. I have attached the flyer that was distributed, however the Daily press printed the flyer in the paper & cut off the part with statement. Those flyers were sent to you by the complainant. Hampton Watch have been inexistence since 2005 & have always adhered to the Stand by your ad policy. Rev. Dr. Chris Carter & myself will attend the meeting on Thursday, Sept. 20,

Thank you,
Gaylene Kanoyton
(757) 287-0277

6. Moving Herndon Forward

**MOVING
HERNDON
*Forward***



★ **Cesar del Aguila**
★ **Signe Friedrichs**
★ **Sheila Olem**

- Invest in our Historic Downtown
- Support Herndon's Future as a Healthy and Sustainable Town
- Fund a Cultural Arts Center in our Historic Downtown
- Provide great services and quality of life
- Prepare for Metro's arrival with workforce housing
- Support a compassionate solution for the Day Laborers in Herndon

© 2011

SBYA Applies to Town of Herndon

TOWN OF HERNDON, VIRGINIA

ORDINANCE

MAY 10, 2011

Ordinance- Adding new Section 2-3, Campaign Finance Disclosure Act, Herndon Town Code, to enact provisions of the Campaign Finance Disclosure Act of 2006.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. Herndon Town Code (2000), as amended, is amended and re-ordained by the addition of new Section 2-3, Campaign Finance Disclosure Act, as follows:

Sec. 2-3. Campaign Finance Disclosure Act.

1. The provisions of Chapter 9.3, Campaign Disclosure Act of 2006, Title 24.2, Elections, Code of Virginia shall apply with necessary changes to all elections for town offices in the town and to participants therein.
2. All criminal penalties, or civil penalties, or both shall be levied, imposed, or collected with necessary changes pursuant to Chapter 9.3, Campaign Disclosure Act of 2006, Title 24.2, Elections, Code of Virginia.
3. This ordinance shall be effective on and after January 1, 2012.

This is certified to be a true and accurate copy of Ordinance 10-O-41 adopted at a legally convened meeting of the Town Council of the Town of Herndon on May 10, 2011.

Margie C. Tacci
Margie C. Tacci, Deputy Town Clerk

Explanation of handcard

Regarding the handout with the words “Moving Herndon Forward” at the top. There is no organization named “Moving Herndon Forward.” It was only a slogan. (If such an organization were to come into being, the necessary filings would be made with the appropriate office.) This document has not been handed out to the electorate but was used on a single occasion for internal communication and deliberation within a political party’s subcommittee. Cesar del Aguila, Sheila Olem and Signe Friedrichs are all members of the Dranesville Magisterial District Democratic Committee of the Fairfax County Democratic Committee. Approximately 70 copies were handed out at the June 21st meeting of the Dranesville District Democratic Committee for the purpose of soliciting the recommendation of that committee to the general membership of the Fairfax County Democratic Committee to endorse the people appearing on that flyer. They spent less than \$65 to produce those 70 copies. That flyer has not been used since that meeting. This document is therefore exempt from the requirements of Chapter 9.5 of Title 24 of the Virginia Code pursuant to, *inter alia*, the terms of §24.2-955 which exempts expenditures of less than \$200 from the provisions of Chapter 9.5.

7. Newcomer for Leesburg School Board

Suggested Page



Joe Newcomer
Sponsored

Joe Newcomer

111 LIKES

Joe Newcomer
Political Candidate

Newcomer Response

If a user clicks on the Page Promotion Ad, they will be taken directly to the actual Joe Newcomer Political Candidate Page on Facebook. That page does carry the disclaimer language required by the statute—“Paid for and Authorized by Newcomer for LCPS School Board.”

Such an arrangement should be sufficient for two reasons. First, the statute’s definition of “print media” includes the following, “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.” 24.2-955.1. The Joe Newcome Political Candidate Page is an integral part of the Page Promotion Ad. The purpose of the Ad is to encourage Facebook users to visit the Page to find out more. This is the functional equivalent of a direct mail piece that encourages recipients to open the mail piece for more information. In that context, it is clearly acceptable for the disclaimer to appear inside the direct mail piece. This situation is no different. Second, in an advisory opinion on a similar advertising technology, the Federal Election Commission has interpreted similar Federal requirements to be met when clicking on an online ad leads the reader to a “landing page” or other website that includes a complete disclaimer.⁴

8. Robey 2019

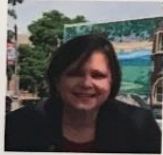


Explanation from Kent Robey

The sign in question displays my last name (ROBEY) and the year (2019) on it and that is all the verbiage that is present on the 24 inches long by 8 inches wide sign. I did not authorize the sign, I did not pay for the sign, it is not located on my property, and I am not a registered political candidate for any public office. I also have not collected or received any funding for any political office within the county of Bedford, VA.

The business owner has agreed to provide his name and contact phone number if your board wishes to contact him to verify the aforementioned information that I have provided. His name is Curry Martin and his contact phone number is 540-297-5297. I did not have knowledge of the sign for a number of days after he placed it on his property. As I believe that I cannot tell him what he can or cannot place on his property.

9. Signe for Herndon




Goals for our town:

- Promote open dialogue opportunities for citizens, business owners and employees
- Demand transparency
- Promote vibrant town business districts
- Promote a safe, clean, well-maintained infrastructure
- Support improvements to our great county-run schools
- Promote town-wide programs for safe walking and biking instead of driving
- Promote easy Metro access to downtown Herndon and Metro D.C.
- Advocate for the arts, historic downtown
- Advocate for housing opportunities across economic lines
- Promote Herndon as a hometown for **everyone**
- Got an idea, want to learn more, or volunteer? Email signeforherndon@gmail.com
- Donations? www.Paypal.me/Signe4Herndon

In-house printing of this flyer was made possible by donations to "Signe for Herndon."

Herndon's Future is Happening Now
Let's plan it together



Signe Friedrichs for Herndon Town Council

Herndon Town Council member (January 2017-present)
Herndon Town Council appointee to Fairfax County Economic Advisory Committee
Herndon homeowner and resident since 1996

Highlights: Arts Herndon Executive Director (2015-2017)
Council for the Arts of Herndon Executive Director (2012-2015)
Dulles Regional Chamber of Commerce Membership Manager (2010-2012)
Leadership Fairfax Class of 2014
Herndon Rotary Club (2012-present), Rotary Intl. Paul Harris Society (2016-present)

Others: Herndon Fortnightly Club, Americans for the Arts, Wellesley College Alumnae Association

Interested in learning more or volunteering? Email signeforherndon@gmail.com

SBYA Applies to Town of Herndon

TOWN OF HERNDON, VIRGINIA

ORDINANCE

MAY 10, 2011

Ordinance- Adding new Section 2-3, Campaign Finance Disclosure Act, Herndon Town Code, to enact provisions of the Campaign Finance Disclosure Act of 2006.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. Herndon Town Code (2000), as amended, is amended and re-ordained by the addition of new Section 2-3, Campaign Finance Disclosure Act, as follows:

Sec. 2-3. Campaign Finance Disclosure Act.

1. The provisions of Chapter 9.3, Campaign Disclosure Act of 2006, Title 24.2, Elections, Code of Virginia shall apply with necessary changes to all elections for town offices in the town and to participants therein.
2. All criminal penalties, or civil penalties, or both shall be levied, imposed, or collected with necessary changes pursuant to Chapter 9.3, Campaign Disclosure Act of 2006, Title 24.2, Elections, Code of Virginia.
3. This ordinance shall be effective on and after January 1, 2012.

This is certified to be a true and accurate copy of Ordinance 10-O-41 adopted at a legally convened meeting of the Town Council of the Town of Herndon on May 10, 2011.

Margie C. Tacci
Margie C. Tacci, Deputy Town Clerk

Regarding Ms. Friedrich's flyer, it does say on the bottom of the back page "In house printing of this flyer was made possible by donations to 'Signe for Herndon.'" The cost of

McCandlish Lillard  Legal Counsel

1350 Random Hills Road, Suite 500 • Fairfax, Virginia 22030-7421 • Main 703.273.2288 • Fax 703.352.

Loudoun Office: 201 Loudoun Street, S.E., Suite 201 Leesburg, Virginia 20175-3118 Main 703.737.0200 Fax 703.737.0165

www.mccandlishlawyers.com

James B. Alcorn, Esq.
September 11, 2018
Page 2

printing that flyer was less than \$164. Again, the exemption found in §24.2-955 applies to these circumstances also. Please be advise that Ms. Friedrich has destroyed all of the remaining copies of the flyer anonymously sent to the Department of Elections staff and will produce new flyers which include a disclosure that reads, "Authorized and paid for by Signe for Herndon."

10. Virginians Against Alcoholism

From: **Virginians Against Alcoholism** virginiansagainstalcoholism@gmail.com
Subject: **Corey Stewart's Drinking Problem: Tell RPV to Investigate Reports**
Date: **July 17, 2018 at 8:01 AM**
To: **ellisonmair@gmail.com**



Media Reports of Corey Stewart's Alcohol Abuse

Reports of problem drinking by Corey Stewart and his alleged addiction to alcohol are creating a crisis of leadership in the Republican Party of Virginia. Stewart is spiraling downward towards rock bottom. RPV cannot ignore it.

On WNTW 97.7 FM, conservative host and author Aaron Gulbransen reported on June 14th, "Everybody who knows Corey Stewart knows that Corey Stewart gets up in the morning and drinks, drinks, drinks."

"Corey's such a drunk he makes Keith Richards look like a teetotaler," Gulbransen continued.

Prince William School Board member Willie Deutsch wrote about Stewart's alcohol abuse, saying, "Corey has a propensity for getting drunk and while intoxicated doing and saying embarrassing things."

"Everyone's known about Corey's drinking problem for at least five years," he continued.

Deutsch wrote in response to an email blast from the Stewart for Lt. Governor campaign. In that email Corey did not deny allegations of problem drinking, saying only that, "I've never undergone treatment for alcohol or drugs."

This should matter to party leaders because one off-the-wall comment during one of Corey's alleged boozy benders could sink the entire ticket. Republican leaders have a responsibility to investigate. Denial is not an option.

As you may know, RPV Chairman John Whitbeck is resigning on July 21st. RPV leaders will vote on his successor. Demand that all candidates for this internal party position be willing to investigate and take action if necessary.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

City of Hopewell

BOARD WORKING PAPERS
Christopher E. Piper
Commissioner

Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Chris E. Piper
Date: September 20, 2018
Re: Hopewell Electoral Board

Background

The State Board of Elections requested the presence of the Mr. Patrick N. Washington, Mr. David W. Silvestro, and Mr. Herbert F. Townes at its September 20, 2018 meeting to discuss recent events and actions of the Hopewell Electoral Board. The Board also requested the Department of Elections to prepare the enclosed and provide an outline of its authority under the Code of Virginia §24.2-103.

Enclosures

1. April 24th email from Vice Mayor Gore “Urgent Concerns – Hopewell Electoral Board” (p. 93)
2. Attachment: 11 Issues (p. 95)
3. April 26th email from Vice Mayor Gore “FWD: Email from Mr Washington – agenda” (p. 98)
4. Attachment: Hopewell Electoral Board meeting agenda April 27, 2018 (p. 101)
5. April 29th letter from Commissioner Chris Piper (p. 102)
6. May 7th article, *Richmond Times Dispatch*, “A great embarrassment: Hopewell Electoral Board chairman, local officials question appointment of city registrar” (p. 104)
7. Aug 21st article, *Richmond Times Dispatch*, “Hopewell electoral board stands by new registrar’s decision to approve ballots with some names in capital letters’ (p. 109)
8. August 22nd article, *Richmond Times Dispatch*, “Virginia elections official says state will ‘use all legal remedies’ to ensure fair ballot in Hopewell” (p. 114)
9. September 1st article, *Richmond Times Dispatch*, “Hopewell city councilors say they didn’t ask for all-caps treatment on the ballot” (p. 118)
10. Hopewell Electoral Board meeting video: <https://twitter.com/gmoomaw>

Authority

The Code of Virginia §24.2-103(C). Power and duties in general.

The State Board may institute proceedings pursuant to § 24.2-234 for the removal of any member of an electoral board who fails to discharge the duties of his office in accordance with law. The State Board may petition the local electoral board to remove from office any general registrar who fails to discharge the duties of his office according to law. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of a general registrar if the local electoral board refuses to remove the general registrar and the State Board finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election. Any action taken by the State Board pursuant to this subsection shall require a recorded majority vote of the Board.

The Code of Virginia §24.2-234. Removal of officer appointed for a term certain.

Any officer appointed to an office for a term established by law may be removed from office, under the provisions of § 24.2-233, upon a petition filed with the circuit court in whose jurisdiction the officer resides signed by the person or a majority of the members of the authority who appointed him, if the appointing person or authority is not given the unqualified power of removal.

The circuit court also shall proceed pursuant to § 24.2-235 for the removal of a member of a local electoral board or general registrar upon a petition signed by a majority of the members of the State Board of Elections as provided in § 24.2-103.

§24.2-235. Procedure.

A petition for the removal of an officer shall state with reasonable accuracy and detail the grounds or reasons for removal and shall be signed by the person or persons making it under penalties of perjury. The circuit court shall not dismiss the petition solely because of an error or omission in the form of the petition relating to its statement of the grounds or reasons for removal if such error or omission is not material in determining whether the statement of the grounds or reasons for removal provides a reasonable basis under § 24.2-233 to consider the removal of the officer.

As soon as the petition is filed with the court, the court shall issue a rule requiring the officer to show cause why he should not be removed from office, the rule alleging in general terms the cause or causes for such removal. The rule shall be returnable in not less than five nor more than ten days and shall be served upon the officer with a copy of the petition. Upon return of the rule duly executed, unless good cause is shown for a continuance or postponement to a later day in the term, the case shall be tried on the day named in the rule and take precedence over all other cases on the docket. If upon trial it is determined that the officer is subject to removal under the provisions of § 24.2-233, he shall be removed from office.

-----Original Message-----

From: goreje@mymail.vcu.edu

Sent: 04/24/2018 07:53:01 AM

To: chris.piper@elections.virginia.gov; jessica.bowman@elections.virginia.gov;
dellaird@house.virginia.gov; washingtonbett@comcast.net; davidsilvestroward2@yahoo.com;
rarrington@hopewellva.gov;

Subject: Fwd: Urgent Concerns- Hopewell Electoral Board

Good evening Commissioner Piper and Deputy Commissioner Bowman,

I hope that this message finds you well. I am currently serving as the Vice Mayor for the City of Hopewell. I am contacting you on behalf a constituent, Mrs. Washington, and Mr. Silvestro. Mrs. Washington serves as the local Chair of a Political Party and Mr. Silvestro is a member of the Local Electoral Board.

Both have contacted me with concerns regarding to the status of the City of Hopewell Registrar's Office that may need immediate assistance.

I was contacted this afternoon pertaining to a Special Meeting called by the Chair of the local board to discuss the appointment of the Registrar. After investigating their questions/concerns, I discovered that the Special Meeting called for yesterday afternoon does not appear to have been properly noticed. General practice within the City exists of the City Clerk distributing all meeting notices. Although this is not mandatory, we are unable to find any proof of the notice was provided to all members of the Board and public. In addition, the Board's upcoming meeting for Thursday has not been noticed as of this morning.

After several conversations with Mrs. Washington and Mr. Silvestro it is apparent that there the Registrar's Office is in a state of chaos.

BACKGROUND:

The former Registrar, Pam Clark, retired in March. The Board appointed Deputy Registrar, Allen Richeson, to fill that position. Unfortunately, in less than one month the former Mr. Richeson as tenured his resignation and his last day in the office will be this Friday. From my understanding, Mr. Richeson has denied the request to stay longer or assist until a replacement has been selected and may have accepted a position in a neighboring locality to serve as the Registrar. He suggested his replacement to the board.

Approximately two weeks ago, the Electoral Board interviewed two candidates. One was Mr. Richeson's recommendation (Applicant A) and one was a local resident (Applicant B). The Board voted to appoint a new Registrar, the local resident. From my understanding, the vote was 2-1, with the Chair being the dissenting vote. Since that meeting several serious issues have come to light. I have addressed the issues in an attached document for your review.

Given the time sensitive nature of the issues ongoing in the Hopewell Office, I would like to know if the State Department of Election can be of assistance. I will review the handbook in depth and code to determine what authority the Governing Body has in this situation. However, I would like to know if the code/policy states that a decision or authority is left up to the locality....does that equate to the Governing Body or Administration?

After speaking with the Chair of the local political party (a Ward 4 constituent), I am concerned about the upcoming primaries and how this may impact mid-term elections. I would like to disclose that I am a

member of a local political party committee. I have instructed her to elevate her concerns to the state party in her official capacity as Chair.

After speaking with the Vice Chairman, I am alarmed and extremely disturbed about the lack of communication and access to vital information within the Registrar's Office. Without question, I am apprehensive about how the Board/Office will function come Friday. As a member of the Governing Body, I must do all that I can to ensure that the office is staffed to serve all residents.

I am not comprised by being subject to an upcoming election this November. In addition, one of the two members of Council discussed is up for election this November. I am concerned about that this direct interaction in the process/appointment of the Registrar may be improper. I am concerned that the level of involvement by members of Council and the Mayor may appear that their actions are sanctioned by the "City".

As a result, I am elevating my concerns to your office. Moreover, I have commented in detail the background surrounding each issue and have copied my representative, Delegate Aird, to this message to inform her of the status of the office.

I will continue to do my homework and will research alternatives to address things. I will make myself available to provide any assistance as needed to find a remedy to these matters. I have copied all relevant parties to this message so that you may contacting them directly if need be to ensure that I am not perceived as being bias or slanting the results of these matters.

In closing, I discovered that according to the 2016 Handbook, "The secretary or chair of the electoral board may request official advisory opinions from the Attorney General related to the discharge of the electoral board's duties." I am not sure if you would recommend that he forward the legal questions to that office for an evaluation/opinion. Due to the time sensitive nature of the issues, I would hope that your office would be in assistance and liaison between both offices.

Thanks you for any assistance that you be able to provide.

Vice Mayor Gore

Bettie Washington- Chair of Local Democratic Committee- 804-926-1415

David Silvestro- Vice Chair, Hopewell Electoral Board- 804-896-3260

Ronnieye Arrington- City Clerk

City of Hopewell Electoral Board and Registrar Office

Issue #1- Mr. Silvestro has been able to be provided a copy of the GREB Handbook from Mr. Richeson. When contacted today about this matter, I asked the City Clerk to obtain a copy as the official keeper of records for the city. To my knowledge, Mr. Richeson allegedly shared that he would not provide a copy of the handbook to anyone until his last day. This poses a serious issue because Mr. Silvestro has not been provided training and has not obtained any official documentations about the laws and guidelines for the Registrar's Office. His ability to serve as a Commissioner is being impacted due to lack of communication from the current Registrar. When I contacted the state department of elections to receive a copy, I was also directed to speak to the local Registrar. After I discussed the dilemma, I asked who else in the office would be able to provide the state's general guidelines and was instructed to contact the Deputy Commissioner. The City Clerk was able to locate the 2016 version of the GREB Handbook online on the State Board of Elections website. We would like to know if that is the most recent version for Vice Chairman Silvestro? Is there any upcoming training or technical assistance that he may be provided? I read in the 2016 Handbook that at least 1 member of the Board must attend the annual training. After speaking with two members, it appears that this has not occurred for several years.

Issue #2- It appears that at least two of the Board Members are having difficult times accessing records and information from the current Registrar. Mr. Silvestro has concerns about the office's security in terms of passwords, office records, keys, deadlines, etc. that not all members of the Board have been made aware of. Are there any recommendations about how the Board can proceed to obtain that information prior to Registrar's departure? There is a concern that after his departure this information may be deleted, removed, tampered, etc. If a majority of the board has not confident in the Registrar, could they call a Special Meeting to remove him from office? Can the Board request this information with public safety and IT officials present to ensure that the collect/preserve the information?

Issue #3- If the current Registrar is removed from office or last day is prior to a new appointment, how can the Board go about receiving assistance for day-to-day operations until a new Registrar has been appointed? When I contacted the state department of elections, I was told that the Governing Body could request assistance. Is this true, and how can we do that?

Issue #4- The Chair of the Electoral Board has contacted the City Administration and Attorney General's Office pertaining to the individual selected for the Registrar's position. From my understanding, the Chair would like to appoint another individual, Applicant A, who currently serves on another Electoral Board. Nonetheless, a majority of the members selected Applicant B. Since the meeting, members of the opposing political party have begun to share personal financial information about Applicant B as a mean to halt the appointment. They have also questioned if the vote was valid, and are making allegations that the vote occurred in Closed Session only. From my understanding Applicant B, only attended an interview and did not submit an application and/or approval for a background check to the Board. Vice Chairman Silvestro is concerned about the legality that may be imposed on behalf of the board due to the public comments about Applicant B's personal financial history. Furthermore, if a vote appoint Applicant B, was indeed in Closed Session (which needs to be corrected), would it be a violation of FOIA for that information to have been made public by members of the Board? If so, what are possible consequences?

Issue #6- It appears to me that the Administration is treating the Electoral Board as a board of the "City". From my vantage point, it appears that the issues pertaining to the replacement of the Registrar is being handled at an Administrative level verses an Electoral Board/Governing Body level. Is this correct? Additionally, it appears that the Administration is researching if the Registrar is a "City Employee" would possibly make the Electoral Board responsible for upholding Title VII of the Civil Rights Act of 1964, which dictates if the Board is at risk in hiring a candidate with "less experience than another." (City Attorney comment in quotations) Isn't the Registrar an at-will appointee of the Electoral Board? Could the City dictate the hiring process for the Registrar's position? State Code § 24.2-110 documents the law pertaining to the "Appointment, qualifications, and term of general registrar; vacancies; certain prohibitions". That code confirms that, "The electoral board shall fill any vacancy in the office of general registrar for the unexpired term." If this is the law, how can the Registrar be considered a City Employee

Issue #7- It appears that a member of the Board was instructed that the Board must advertise the vacancy prior to filling the position. After review of the 2016 GREB Handbook it appears that the language is suggestive and not mandated. On page 30 of the 2016 Handbook it documents, ". If the general registrar is not to be reappointed, the electoral board should, at a minimum, advertise the position in a local newspaper. The electoral board may seek the assistance of the locality's human resource personnel to draft an advertisement, screen applications, and develop an interview format." Can you please confirm if the Board would be in violation of state statute or Board of Elections policy if they chose to appoint their selected applicant? Vice Chairman Silvestro has shared concerns because the Board was appointed to hire someone due to the alleged recommendation of Mr. Richeson. That meeting was not noticed and the position was not advertised. Coupled with the lack of access to back rules/procedures, budget, keys, passwords, etc. Vice Chairman Silvestro has trust concerns about guidance being provided to the Board. He has not received any email communication from the Department of Elections or the State Electoral board about election matters. There is a concern that the information provided by the state is not being circulated down to the board.

Issue #8- After researching notice for last night's meeting, it was brought to my attention that the City Clerk has not received meeting notifications from the Registrar's Office (or the Board itself), since January. Apparently that was the last meeting that the former Registrar, Ms. Clarke, sent prior to her retirement. If neither the Board itself, or the Registrar's Office provided proper notice, would any vote conducted at meetings after Jan 31st be valid? If not, the Chair of the Electoral Board may not have been duly appointed the Chair as well as the other officers. If this is the case, does the Board now not have a Chair or is the prior Chair-the Chair until a new Chair is appointed? In addition, under FOIA shouldn't all of the Board's meeting have a public agenda provided that will list appointment of officers as an action/voting item? If so, the Board does not currently operate with planned agendas. Does this also disqualify any prior meeting held since Jan. 31st?

Issue #9- State code § 24.2-110, also documents that "The electoral board shall fill any vacancy in the office of general registrar for the unexpired term." Does this mean that the Board can fill the Deputy Registrar position as well?

Issue #10- State Code § 24.2-110, provides guidelines about limitations to filling a Registrar position. Those who are not in favor of Applicant B are using state code § 24.2-114 to state that the law requires all applicants to have the same background of the duties listed in this section. Although this is ideal, is this a legal requirement for all applicants to have this background at time of appointment?

Issue #11- Two members of Council are involved in attempting to halt the appointment of Applicant B. They have allegedly put forth past financial issues and are using that as grounds to say that the applicant may be financially compromised. A received a call this morning, and was told that those two Councilors, the Chair of the Electoral Board, a reporter, and approximately two citizens were present during last night's meeting (not properly noticed). I was told that during that meeting a member of Council stated that Applicant B may steal voters social security numbers. That same Councilor ran a highly contested race for the Ward seat. During that election the same financial information was shared with the public. the Registrar is a City Employee and not an appointee of the Electoral Board, sharing private financial information during the hiring process would be improper. In addition, the HR Department's hiring polices currently do not call for a financial background check. We have concerns that if this rhetoric continues, the City may be liable for defamation. The same parties and the Chair of the opposing party have begun to share this information on Facebook The posts are listing Applicant B's name and financial records. What assistance/recourse does the Board or the Applicant have pertaining to this?

Subject: Fwd: Email from Mr Washington - agenda
From: goreje@mymail.vcu.edu
Sent: 4/26/2018 3:31:00 PM
To: maltman@hopewellva.gov; chris.piper@elections.virginia.gov; jessica.bowman@elections.virginia.gov; terry.wagoner@elections.virginia.gov; davidsilvestroward2@yahoo.com; herberttownes32@gmail.com; patricknashington@gmail.com; pelhamward6councilor@gmail.com; zandzinc@juno.com; jshornak@hopewellva.gov; arleneholloway52@gmail.com; janicebdenton@gmail.com; clumanbailey@gmail.com; scalos@sandsanderson.com
Attachment: [2018-4-27.docx](#)
Tags:

Hello everyone,

I am sending this email for full disclosure about ongoing issues with the City of Hopewell Electoral Board. The City Clerk has forwarded me an email from Mr. Washington, Chair of the Hopewell Electoral Board, that contains Friday's Meeting Agenda. She has asked for guidance about what her next steps should be, given that I supervise her.

Given the improperly noticed meeting this Monday, the amended meeting notice for Thursday (Friday), I too am concerned about the Board's ability to properly follow FOIA laws.

After reviewing the attached agenda, I am concerned that the same impropriety will reoccur. The attached agenda does not have any action items identified, minutes included, and a motion identified that complies with FOIA to enter Closed Session, a motion to leave Close Session. In addition, I see items listed under "Old Business" that have not been identified in any other Electoral Board Agenda. When I requested prior meeting notices, agendas and minutes it became clear that they may not exist, due to the fact that they have not been produced.

From my understanding some members of Council attended the Board meeting on Monday. Since then, Council has addressed questions/concerns about the status of the Board during our public meeting this past Tuesday. I would like to call a Special Meeting of Council so that we may all be in attendance for this upcoming meeting on Friday as observers. I understand that the Electoral Board is not under the authority of City Council, and is a subsidy of the Virginia State Board of Elections (Virginia Department of Elections).

Per FOIA laws, Council must be given 12 hours notice. This was done so that all members of Council can attend. derstanding that the Electoral Board is not under the authority of City Council, and is a subsidy of the Virginia State Board of Elections (Virginia Department of Elections).

I have already contacted the FOIA Council about concerns related to all Electoral Board Meetings since January 31st, and the validity of all actions taken if all meetings prior to now have not met FOIA laws.

Due to her concerns, I am forwarding this thread to Council, so that all will be aware of the fact that her office has decided not to disseminate the attached agenda do to concerns about FOIA violations.

Respectfully,
Vice Mayor Gore

From: Ronnieye Arrington
Sent: Thursday, April 26, 2018 2:38 PM
To: Jasmine j. Gore
Subject: FW: Agenda

Vice Mayor Gore,

As you are aware, there is an ongoing issue with the Electoral Board which has already resulted in meeting notices being challenged and cancelled and questioned. Accordingly, I am not comfortable sending this out, and wary of doing the wrong thing here. Since I know you are aware of the situation, please advise.

Thank you,

Ronnieye Arrington
City Clerk
And FOIA Officer
City of Hopewell
300 N. Main St
Hopewell, Va. 23860
(o)804.541.2408

"In the midst of chaos, there is also opportunity"
— Sun Tzu, A Arte da Guerra

www.hopewellva.gov

Confidentiality Notice:

This electronic transmission and any or all attachments to this transmission is intended exclusively for the person(s) and/or entities to whom it is addressed. The information transmitted (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and is intended only for the person(s) or entity/entities to which it is addressed and may contain confidential and/or privileged material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient(s) is prohibited. If you received this in error, please contact the sender immediately and delete the material from any and all computers.

From: Patrick Washington [<mailto:patricknashington@gmail.com>]
Sent: Thursday, April 26, 2018 12:05 PM
To: Ronnieye Arrington
Subject: Fwd: Agenda

Get Outlook for Android

From: Patrick Washington <patrickn washington@gmail.com>

Sent: Thursday, April 26, 2018 6:46:26 AM

To: herberttownes2000@gmail.com

Subject: Agenda

Good morning, Herbert:

Attached is the agenda for tomorrow night.

Hopewell Electoral Board

**April 27, 2018
Agenda**

1. Call to order
2. Opening
 - 2.1 Pledge of Allegiance
 - 2.2 Invocation
3. Roll Call
4. Reading of minutes
5. Public Discussion
6. Closed Session
7. New Business
 - 7.1 Discussion about Pam Clark returning to assist through June primary
 - 7.2 Contingency Plan for Registrar's Office
8. Old Business
 - 8.1 Hiring process of general registrar
 - 8.1.1 Discussion of background check
 - 8.1.2 Discussion of interview process
9. Adjournment





COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner

Jessica N. Bowman
Deputy Commissioner

April 29, 2018

Patrick Wilson, Chairman
David Silvestro, Vice Chairman
Herbert Townes, Secretary
City of Hopewell Electoral Board

Via Electronic Mail

Chairman Wilson, Vice Chairman Silvestro, and Secretary Townes:

I am writing in regard the status of the office of City of Hopewell General Registrar. The Department of Elections has reached out to all of you about this matter over the course of the past week, and I have personally attempted to contact each of you by telephone. However, only Vice Chairman Silvestro has returned my phone call. I am writing today to express the Department of Elections extreme concern about the current circumstances.

Based on my conversations with Vice Chairman Silvestro, and the Department's discussions with Allen Richeson, Mayor Shornak, and Vice Mayor Gore, we understand that Hopewell's current general registrar will be leaving the position on Monday, April 30. We further understand that the Electoral Board has not yet appointed a successor, and that the General Registrar and Electoral Board have been unable to agree on the appointment of a Deputy General Registrar. As a result, the Department of Elections understands that as of May 1, 2018, there will be no staff in the City of Hopewell's General Registrar's office qualified to offer absentee ballots or process voter registration materials.


It is simply unacceptable for the City of Hopewell's general registrar's office to be closed due to a lack of appropriate staffing. Not only does the *Code of Virginia* require all electoral boards to appoint a general registrar, and fill any vacancies in the office, Va. Code § 24.2-110, but each locality is required to have either an assistant registrar or a substitute registrar available to fill the role of general registrar in case of emergency, Va. Code § 24.2-112. Furthermore, the *Code of Virginia* establishes that a general registrar's office for a locality the size of the City of Hopewell "shall be open a minimum of five days each week." Va. Code § 24.2-411.

In addition to these statutory staffing mandates, Virginia law and the Uniformed and Overseas Citizens Absentee Voting Act require that absentee ballots be available during the 45 days preceding the June 12 primary election. As this 45-day window opened on April 28, state and federal law now requires that general registrars offices must now process absentee ballot requests within the statutorily established timeline, and make in-person absentee voting available to registered voters. Va. Code § 24.2-706. If the Hopewell General Registrar's office is unable to open on Tuesday, it will not be in compliance with these requirements.

In light of these various statutory requirements, the Department is extremely concerned about the current circumstances of the Hopewell Electoral Board and General Registrar's office. This concern has only deepened as we have found certain members of the electoral board nonresponsive to our requests for additional information, and as we have received updates regarding the failure of local officials to cooperatively resolve this situation. This is made all the more troubling by the fact that Department personnel have coordinated with a number of localities to ensure that Hopewell's general registrar's office would have the support necessary to continue operations without interruption upon the appointment of a new general registrar or a new assistant registrar. Despite the extraordinary efforts of state and other localities' election officials to ensure the continued provision of services to Hopewell's voters, we now understand that no such resolution has occurred. As a result, we now ask that you take any necessary appropriate actions to ensure the continued operation of Hopewell's general registrar's office and to ensure that Hopewell's registered voters are not negatively impacted by this situation.

Please be aware that the Department stands by ready to assist in ensuring the uniformity and legality of Virginia's elections. We are available to assist you as you pursue resolution of this matter, and ask that you keep us informed of the status of this matter, and let us know what assistance we can provide.

Sincerely,



Christopher E. Piper
Commissioner

CC: Mayor Shornak
Vice Mayor Gore
Registrar Allen Richeson
James B. Alcorn, Chair, Virginia State Board of Elections
Clara Belle Wheeler, Vice Chair, Virginia State Board of Elections
Singleton B. McAllister, Secretary, Virginia State Board of Elections

https://www.richmond.com/news/local/chesterfield/a-great-embarrassment-hopewell-electoral-board-chairman-local-officials-question/article_77e0e5c0-6297-53c4-b762-b0afcf6a5d06.html

'A great embarrassment': Hopewell Electoral Board chairman, local officials question appointment of city registrar

By VANESSA REMMERS Richmond Times-Dispatch May 7, 2018



Alan "AJ" Cole stands in front of the Hopewell voter registration office after taking over its operations amid a dispute over the new registrar.

By VANESSA REMMERS Richmond Times-Dispatch

HOPEWELL — With about a month to go before voters cast ballots in June 12 primary elections, Alan "AJ" Cole needed computer logins. And supplies packed. And a vendor to program voting machinery.

But most of all, he needed those logins. Without them, workers at the office where voters file absentee ballots and other paperwork couldn't even access their computers.

Hopewell's longtime registrar had retired. Her deputy didn't want the job and left last month, setting off a chain of events that led to state and local officials crying foul on the city's Electoral Board for shoehorning in a replacement who some said was more connected than qualified. With the primaries looming, the Virginia Department of Elections called on Cole to keep Hopewell's office afloat while the controversy settled.

"We will be able to help anyone who walks into those doors," Cole said last week. "We will keep it running until the new registrar comes in."

Questions also swirled about whether the Electoral Board violated the state's Freedom of Information Act.

The tumult centers on a vote that took place behind closed doors April 12, after candidates were interviewed for the post at a meeting of the city's Electoral Board.

The two Democrats on the board, which is charged with overseeing elections and the locality's general registrar, wanted former Hopewell City Councilman Greg Cuffey for the job instead of Tammy Alexander, another applicant who has served as the secretary for Petersburg's Electoral Board since 2011 and trains electoral boards across the state for the Department of Elections.

Patrick Washington, the sole Republican on the Electoral Board, wanted Alexander. Washington said that when he asked Cuffey for a résumé, Cuffey responded by saying he didn't need one. He was initially appointed, nonetheless, setting off a firestorm of emails and phone calls from state and local officials concerned about the process. Cuffey couldn't be reached for comment.

"As someone who trains electoral boards, I was kind of shocked and taken aback," Alexander said of the interview process.

Efforts to reach Herbert Townes, a Democrat on the Electoral Board, were unsuccessful. Reached by phone Monday, David Silvestro, the second Democrat on the board, said he couldn't comment and was waiting to discuss the matter with a lawyer.

Washington said he argued with the two other members behind closed doors in favor of Alexander. But at the end of the closed-door meeting, Cuffey was chosen. There was no vote in open session, Washington said, which is required under the state's Freedom of Information Act.

"They do understand that the vote behind closed doors was invalid," Washington said.

According to notes Alexander typed up afterward, the two Democrats on the Electoral Board refused to look at her during the interview.

"I had to come right out and say their name for them to even acknowledge that I was standing there with my hand out attempting to thank them for the interview," Alexander wrote. Washington, she wrote, asked her many questions.

"The way the present board treated me, it would have to be a lot of money involved for me to go to Hopewell. They are definitely off the rails over there," Alexander told the Richmond Times-Dispatch.

She said two members showed up for the April 12 meeting 30 minutes late. When she first met with the Electoral Board on April 2 about the job, she said, Silvestro showed up 45 minutes late. When the then-registrar called him to ask where he was, he told him he was in a meeting with another Electoral Board member, her notes read.

"This set off a red flag as there was no scheduled EB [Electoral Board] meeting for that morning, Chairman Patrick Washington was not aware of the meeting, and there are no minutes from that meeting, so I knew these two members were already in violation of FOIA rules," Alexander wrote in her notes.

The same night of her interview, Alexander got a call from Washington, who told her that someone else was chosen for the job. She said Silvestro later offered her the deputy registrar job, which can really only be offered by the new registrar.

The closed-session decision sparked a flurry of emails, calls and letters among city officials, state lawmakers and state election officials. The Electoral Board canceled at least two meetings after receiving criticism for scheduling them during the middle of the day and for not giving proper notice to the public as required by FOIA, Washington said.

State Department of Elections Commissioner Christopher Piper wrote to Electoral Board members April 29, imploring them to communicate with his office to make sure the city's office was staffed. A day later, city Mayor Jackie Shornak wrote an email to state lawmakers.

"I realize that this is not within the bailiwick as a councilor but, as a concerned citizen, this affects our city with having a fair and impartial voting process," she wrote.

State Del. Lashrecse Aird, D-Petersburg, wrote Shornak on April 30 to assure her that Piper was bringing in Cole to operate the office. She also wanted to make sure that the Electoral Board members "understand their responsibility" and asked a Department of Elections representative to attend a board meeting.

Last Thursday, Hopewell's Electoral Board met again and voted unanimously in open session to consider additional candidates for registrar. Hopewell's city attorney attended the meeting and called out the motion.

"Over these last weeks, the way the Electoral Board has gone about to hire a registrar has become a great embarrassment to the city of Hopewell. It is unacceptable, and we must not let this be repeated. At tonight's meeting, the Electoral Board will start on the right path to get this matter corrected," Washington said at the meeting.

The two other members didn't comment and were called out afterward by some in the audience for leaving without talking to people.

For now, Cole feels confident that he has righted the ship.

"In one day, we ironed out all the issues we need to keep office running," said Cole, a retired registrar for James City County whom the state board has turned to before.

When the new registrar comes in within the next couple of weeks, they can hit the ground running, Cole said.

The board is scheduled to meet at 2 p.m. Tuesday in the second-floor boardroom of the Appomattox Regional Library.

vremmers@timesdispatch.com

(804) 649-6243

VANESSA REMMERS

https://www.richmond.com/news/local/central-virginia/tri-cities/hopewell/hopewell-electoral-board-stands-by-new-registrar-s-decision-to/article_6668f521-eb3d-5e10-b14a-37f489026455.html

Hopewell electoral board stands by new registrar's decision to approve ballots with some names in capital letters

By GRAHAM MOOMAW Richmond Times-Dispatch Aug 21, 2018

**Member
City Council
7th District**
Vote for only one

- Jackie M. Shornak
- PATIENCE A. BENNETT
- _____
Write-in

Registrar Yolanda Stokes has come under fire for inconsistent styling.

HOPEWELL — After raised voices and pounding on the table, the Hopewell Electoral Board voted 2-1 on Tuesday to stand by its newly appointed registrar's decision to create ballots that feature some candidates' names in capital letters.

In a heated debate in the back of the Hopewell registrar's office, the board's two Democrats stood by Registrar Yolanda Stokes after she submitted a draft ballot for November's election that showed three Hopewell City Council candidates' names entirely in uppercase.

Stokes is overseeing her first general election after being appointed registrar in May. She previously served on Hopewell's public housing board, but the City Council voted to remove her in 2013 after she clashed with other city officials who accused her of overstepping her role.

The unusual ballot controversy has raised eyebrows in Hopewell and at the Virginia Department of Elections, but it's not yet clear how it will be resolved.

At Tuesday's meeting, the lone Republican on the electoral board unsuccessfully urged his colleagues to correct what he saw as a blatantly unfair ballot. Any candidate put at a disadvantage over how the names are set to appear, he said, should file a lawsuit.

"I think it's utterly insane if you two vote to let this stand," said board Chairman Patrick Washington. "And it shows that this electoral board, mainly you two, are just following your own standards instead of the standard of right and wrong."

The other two members — David Silvestro and Herbert Townes — said it wasn't the board's role to intervene in a process that, according to their interpretation of state law, allows candidates to choose how they want their name to appear on the ballot.

Silvestro at one point dismissed Washington's comments as "grandstanding."

"If I'm going in to vote for Herbert, I don't care if it's in cursive or written in crayon," Silvestro said. "I'm there to vote for Herbert."

"The blame lays with the candidates," said Townes. "The candidates were the one that made the decision."

The Hopewell officials who defended the ballot said it should be the state's job to fix what they see as a state problem caused by ambiguous instructions on candidate paperwork.

State election officials, who review ballots before they're printed, have told Stokes that printing names in all caps is not permitted because it could create an unfair advantage, according to emails obtained through the Freedom of Information Act.

It's not uncommon for candidates who use a nickname to have their nickname appear on the ballot to help voters identify candidates. State ballot guidelines don't explicitly address capitalizing some names and not others, but they say generally that ballots should be uniform and consistent. They also recommend

avoiding all uppercase letters for readability purposes.

State officials told Stokes flatly that ballots should not be tailor-made to reflect candidates' preferred font style.

"This is more a case for uniformity than it is for personal preference," state Elections Administrator Matthew Abell wrote in an Aug. 2 email to Stokes. "If you allow different cases to be used, you open your office up for the loser to potentially contest the election since you didn't handle ballot names uniformly."

Stokes and her defenders on the electoral board said the issue isn't clearly addressed in state code.

"They have not not allowed it," Stokes said.

Stokes said that now that the local electoral board has made its position known, the state can make the final decision on whether the ballot will stand. She said she expects the state to change it.

In an interview, Stokes said she reproduced the names the same way the candidates filed them on their paperwork.

"If they write their names the way they feel it would attract their voters, then that's their right as a candidate," Stokes said.

One of the candidates who received the special typographical treatment was Patience Bennett, the challenger running to unseat Hopewell Mayor Jackie Shornak. In 2013, Shornak voted to remove Stokes from the city's public housing commission amid complaints that Stokes had misused her authority.

On the ballot Stokes submitted for approval, Shornak's name was shown as "Jackie M. Shornak." Bennett's name appeared as "PATIENCE A. BENNETT."

In an interview, Shornak said she saw the ballot issue as retaliation and part of a "grudge" Stokes has against her.

"I feel that now I'm being singled out and maybe attacked," Shornak said.

Stokes said her history with Shornak wasn't a factor in the ballot layout.

"She and I did not have problems. She has problems with me," Stokes said. "I do not get involved in the candidates' campaigns regardless of who they are. My only responsibility is to accept their documents, approve their documents, and do as they put on their forms. There's nothing personal."

The two other candidates whose names appear in uppercase letters are Councilors Anthony Zevgolis and Christina Luman-Bailey, two incumbents facing challengers of their own.

Stokes said the candidates whose names were capitalized indicated their font preference on their paperwork and through conversations with the registrar's office.

"Each of them has the opportunity to style their ballot name the way they want to," Stokes said, adding that she intends to ask the state to make the rules on capitalization more clear.

Zevgolis and Luman-Bailey did not respond to requests for comment.

Deborah Randolph, a council hopeful running against Luman-Bailey, spoke at Tuesday's meeting to say she intends to pursue legal action if the ballot isn't corrected.

"Their names on the ballot are just going to stand out no matter how much campaigning I do," Randolph said in an interview.

Johnny Partin, a council candidate running against Zevgolis, also attended the meeting and said he too feels the ballots are unfair.

Shornak said the ballot discrepancies raise larger concerns about the fairness of Hopewell elections going forward. She said she's considering asking the state to send someone to Hopewell to keep a "watchful eye" on the registrar's office.

"If we have people that we don't trust in positions where they were put to do a fair and equitable job, then we need to re-evaluate the office of the registrar," Shornak said.

Shornak was one of five Hopewell City Council members who voted in 2013 to oust Stokes from her position as a commissioner with the Hopewell Housing & Redevelopment Authority. Before the vote, other housing commissioners wrote a letter saying Stokes was "not willing to be restrained by her governance role."

Among the complaints listed in the letter were allegations that Stokes had threatened to fire an employee over a court case involving Stokes' mother; appeared in court to represent an authority tenant who was being sued by the authority; and telling Hopewell police that a property manager with the authority had committed perjury in a civil case.

Stokes said the allegations against her were part of a personal vendetta. She proceeded to sue several city officials, claiming her removal was an illegal act of retaliation. The case was dismissed.

Stokes re-emerged earlier this year after Hopewell's previous registrar retired. The city's electoral board came under fire in May for holding closed-door meetings to appoint a new registrar, former Hopewell Councilor Greg Cuffey. After questions arose about the legality of the closed-session vote, that appointment was scrapped in an episode Washington called "a great embarrassment" for the city.

State officials sent in several other experienced election administrators to help run the Hopewell office during the tumult, but Stokes was chosen as the long-term pick for the job.

Under Virginia law, courts appoint local electoral boards using recommendations from local parties. The party that controls the governorship is given a 2-1 majority on the boards. That means Democrats currently outnumber Republicans, but their work is supposed to be nonpartisan.

Like other local races in Virginia, party affiliation is not included on the Hopewell City Council ballot.

gmoomaw@timesdispatch.com (804) 649-6839

Graham Moomaw

https://www.richmond.com/news/local/central-virginia/tri-cities/hopewell/virginia-elections-official-says-state-will-use-all-legal-remedies/article_4be0d02c-9ef5-5346-bb43-fed2bffb339.html

Virginia elections official says state will 'use all legal remedies' to ensure fair ballot in Hopewell

By GRAHAM MOOMAW Richmond Times-Dispatch Aug 22, 2018



Hopewell Electoral Board Chairman Patrick Washington urged David Silvestro (right) and Herbert Townes (front) to change the city's ballots Tuesday.

GRAHAM MOOMAW/TIMES-DISPATCH

The chairman of the State Board of Elections said Wednesday that he and his colleagues will "use all legal remedies" to ensure the names of Hopewell City Council candidates are presented evenly on the city's ballot.

On the initial ballot prepared by the Hopewell registrar's office, the names of three council candidates were presented entirely in capital letters, prompting state officials and other council hopefuls to cry foul over ballots that could be seen as emphasizing one candidate over another.

"It's absolutely unacceptable that any election administrator would use their position to potentially influence the outcome of the election," state elections board Chairman James Alcorn said in an interview Wednesday.

Registrar Yolanda Stokes said the candidates wrote their names in uppercase on their own paperwork, and she felt obligated to print them with the same capitalization due to wording on the form that seems to give candidates leeway to use nicknames or initials.

If the ballot is not changed before being printed for November's election, Alcorn said, the state board will hold a hearing on the matter and "use all legal remedies at its disposal."

The Hopewell Electoral Board voted 2-1 on Tuesday night to keep the ballot the same, but Stokes indicated Wednesday that she would defer to the state's judgment before finalizing the ballot.

"We're getting to a ballot," Stokes said. "And I anticipate — 99 percent at this point — that it's going to be a uniform ballot."

The three candidates whose names appeared in capital letters were Patience Bennett, who's running against Hopewell Mayor Jackie Shornak, and incumbent Councilors Anthony Zevgolts and Christina Luman-Bailey.

Stokes contacted the Virginia Department of Elections on Wednesday to inform it of her local board's vote in support of her ballot, according to emails obtained through a Freedom of Information Act request. Stokes said she would do as her board instructed and keep the ballots unchanged, while also indicating she would change them if the state insisted.

A state official responded, telling Stokes that the "errors" should be corrected and that she should submit corrected ballots for review.

Stokes said the back-and-forth was part of the proofing process.

"It was the journey to a ballot," Stokes said.

She suggested the controversy over the first ballot her office submitted was caused by a "possible leak" in her office.

"Some of the information left my office. How it got outside of my office without the ballots being final is beyond me," Stokes said. "I addressed it in my office."

The state reviews draft ballots for accuracy before the printing process.

The controversial ballot had been sent to Hopewell's printing vendor. That vendor, North Carolina-based Printelect, alerted state officials to the capitalization issue in an Aug. 2 email, saying Stokes had insisted that the names be reproduced exactly as the candidates filed them.

"This is a new one for me," the Printelect representative wrote.

Deborah Randolph, a council candidate running against Luman-Bailey, said someone had also told her about the issue.

"I can't think that any of the candidates would want their names to stand out above and beyond everybody," Randolph said in an interview Tuesday night outside the Hopewell elections office. "We're all in elections. We all want to win. But nobody wants to cheat to do that."

gmoomaw@timesdispatch.com

(804) 649-6839

Twitter: @gmoomaw

Graham Moomaw

https://www.richmond.com/news/local/central-virginia/tri-cities/hopewell/hopewell-city-councilors-say-they-didn-t-ask-for-all/article_5ffa469a-c096-5bf1-9c1a-1b15e8bb14fb.html

Hopewell city councilors say they didn't ask for all-caps treatment on ballot

By GRAHAM MOOMAW Richmond Times-Dispatch Sep 1, 2018

**Member
City Council
7th District**
Vote for only one

- Jackie M. Shornak
- PATIENCE A. BENNETT
- _____
Write-in

Registrar Yolanda Stokes has come under fire for inconsistent styling.

Two Hopewell City Council members whose names were put in all-capital letters on a draft election ballot say they didn't ask for special treatment.

Councilors Anthony "Tony" Zevgolis and Christina Luman-Bailey said they were surprised to learn their names were among the three that appeared differently from their opponents' on an initial ballot prepared by the Hopewell registrar's office for the November election, a discrepancy other candidates said would draw voters' attention to particular candidates.

"I don't want an unfair advantage," Zevgolis said. "I had no idea any of this stuff was happening."

"I certainly didn't request anything," said Luman-Bailey. "I just filled out the form and that's it."

Patience Bennett, a first-time council candidate running against Hopewell Mayor Jackie Shornak, was the third person whose name appeared in all-caps. In an email, Bennett said she always uses capital letters on important documents so they can be read clearly. Bennett said she didn't receive any follow-up questions from the registrar's office. She also said she didn't request to have her name appear in capital letters on the ballot.

Zevgolis and Luman-Bailey, both of whom are facing challengers as they run for re-election, said they used block letters for legibility reasons on the election form that allows candidates to write their name as it should appear on the ballot. Both council members said they didn't expect that would mean their names would be printed in capital letters on the ballot.

As other candidates cried foul, state election officials stepped in and corrected the ballot, instructing Hopewell Registrar Yolanda Stokes to print all candidates' names in the same font style. The State Board of Elections is expected to discuss the Hopewell issue at its next meeting.

Stokes — who has led the Hopewell election office since May — and a majority of the Hopewell Electoral Board had defended the decision to put some names in capital letters by suggesting it came at the candidates' request.

"The blame lays with the candidates. The candidates were the one that made the decision," Hopewell Electoral Board member Herbert Townes said at an Aug. 21 meeting where the board voted 2-1 to leave the ballot unchanged.

Luman-Bailey and Zevgolis said they believe they filled out their paperwork for the 2018 election the same way they did in previous campaigns.

State standards instruct registrars to avoid using all capital letters in ballot designs. But Townes, Stokes and Electoral Board member David Silvestro argued the instructions on the state-designed form are unclear and should be clarified. The form asks candidates to type or print their name "as it is to appear on the ballot" and refers to examples on the reverse side of the form.

The form lists nine examples featuring different combinations of initials, nicknames and suffixes, but none of the examples shows all capital letters. Stokes and her backers on the Hopewell Electoral Board highlighted a note in the examples section that says "not all possible combinations are represented," which they interpreted to mean that using all-caps was a possibility.

Zevgolis, who ran for Congress in 1992 as a Republican, said he saw no reason why a registrar appointed by a Democratic-controlled electoral board would want to help him.

"I think they made a mistake," Zevgolis said.

Luman-Bailey said she's not convinced having her name capitalized would've helped her.

"I think in some ways, having it in all caps is a disadvantage," she said. "People could see it and think: 'Well, who do they think they are?'"

9/7/2018

Hopewell city councilors say they didn't ask for all-caps treatment on ballot | Hopewell | richmond.com

(804) 649-6839

Twitter: @gmoomaw

Graham Moomaw
