

STATE BOARD OF ELECTIONS
FINAL Meeting Minutes
Tuesday, June 22, 2021

1 The State Board of Elections (“the Board”) meeting was held on Tuesday, June 22,
2 2021 in the East Reading Room of the Patrick Henry Building. The meeting was also
3 conducted electronically so the public could view and hear the meeting. In attendance:
4 Robert Brink, Chairman, John O’Bannon, Vice Chairman, and Jamilah LeCruise, Secretary,
5 represented the State Board of Elections (“the Board”). Christopher E. “Chris” Piper,
6 Commissioner, represented the Department of Elections (“ELECT”) and Carol Lewis
7 represented the Office of the Attorney General (“OAG”). Chairman Brink called the meeting
8 to order at 1:00 P.M.

9 The first item of business was the approval of minutes presented by Secretary
10 LeCruise. Chairman Brink moved *that the Board approve the minutes from the March 31,*
11 *2021 Board Meeting.* Vice Chair O’Bannon seconded the motion and the motion passed
12 unanimously. A roll call vote was taken:

13 Chairman Brink – Aye

14 Vice Chair O’Bannon – Aye

15 Secretary LeCruise – Aye

16 Chairman Brink moved *that the Board approve the minutes from the April 20, 2021*
17 *Board Meeting.* Vice Chair O’Bannon seconded the motion and the motion passed
18 unanimously. A roll call vote was taken:

19 Chairman Brink – Aye

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20 Vice Chair O'Bannon – Aye

21 Secretary LeCruise – Aye

22 Chairman Brink moved *that the Board approve the minutes from the June 1, 2021*

23 *Board Meeting.* Vice Chair O'Bannon seconded the motion and the motion passed

24 unanimously. A roll call vote was taken:

25 Chairman Brink – Aye

26 Vice Chair O'Bannon – Aye

27 Secretary LeCruise – Aye

28 The second item of business was the Commissioner's Report presented by

29 Commissioner Piper. Commissioner Piper introduced the new employees to the Board:

30 Elizabeth "Libby" Johnson, Information Technology Specialist II, Larry D. Arcangelo,

31 Quality Assurance Supervisor; Karen Hoyt-Stewart, Voting Technology Program Manager;

32 Ruth Hancock, Data Architect; Scott Rhodes, Information Technology Specialist III; and

33 Sarah Dally, Training and Development Specialist. The Commissioner informed the Board

34 ELECT's former, Liaison Keith Balmer has accepted the position as the General Registrar

35 for the City of Richmond. Commissioner Piper introduced John Cronin, Registrar Liaison,

36 formerly with the Virginia Management Fellows Program.

37 The Commissioner also introduced Yolanda Andrews, Senior Office Administrator in

38 the Business Department. In the Policy Department, Commissioner Piper introduced, Rachel

39 Lawless, Confidential Policy Assistant; Ashley Coles, ELECT Policy Analyst; Javon Davis
40 and Maxfield Daley-Watson, ELECT's Legal Interns; and Andrew Kauders, ELECT Intern.
41 The Commissioner introduced Ashley Scott, Governor's Fellow for the Policy team and
42 Whitney Brown, Governor's Fellow for the Secretary of Administration team. Finally,
43 Commissioner Piper introduced DJ Geiger, Director of Operations, and Conrad Faett,
44 Governor's Fellow for ELECT's Management Team.

45 The Commissioner informed the Board he will oversee a Voter Education Campaign
46 that will explain how ELECT processes and count ballots. Commissioner Piper stated that
47 Virginia represents the South Region on the Board of the National Association of State
48 Elections Directors ("NASED"). The Commissioner informed the Board that he has been
49 elected as the Vice Chairman of the Electronic Registrar Information Center ("ERIC"), a list-
50 sharing consortium, under which ELECT shares the Voter Registration list with 30 states and
51 the District of Columbia. The Commissioner advised the Board that the list ensures that
52 when a voter has moved out of state, ELECT can obtain that information and remove their
53 names from the Virginia list. Commissioner Piper informed the Board that Virginia was
54 elected to the Executive Committee of the Elections Assistance Commission.

55 The Commissioner stated that under a law passed by the General Assembly the Board
56 is required to create a certification program for the General Registrar ("GR") to complete
57 within the first year of being appointed or reappointed. The Deadline is June 30, 2021.
58 Commissioner Piper stated that in order to be reappointed, a GR must complete a
59 certification class and meet certain electives throughout the remaining years. The
60 Commissioner advised the Board that as of July 1, 2021, if the certification has not been

61 completed, the registrar cannot continue in the position. Commissioner Piper stated that GR's
62 in Appomattox County, Chesterfield County, Colonial Heights, Floyd County, Greene
63 County, Highland County, James City County, Norfolk, and Smith County have not
64 completed the class. The Commissioner stated that one extension was requested and would
65 be presented to the Board during the meeting.

66 The third item of business was the Certification of the June 8, 2021 Primary Election,
67 presented by Paul Saunders, Elections Administration Supervisor. *This report is in the*
68 *Working Papers for the June 22, 2021 meeting.* Chairman Brink opened the floor to public
69 comment. No public comment was given. Vice Chair O'Bannon moved *that the Board*
70 *certify the results of the June 8, 2021 Democratic and Republican Primary Elections as*
71 *presented and declare the winners of each primary to be that party's nominee for the*
72 *November 2, 2021 General Election.* Secretary LeCruise seconded the motion and the motion
73 passed unanimously.

74 The fourth item of business was the Certification for Voting Systems for Election
75 Systems & Software, Unisyn Voting Solutions, Hart Intercivic Verity Voting, Dominion and
76 Robis Elections presented, by Karen Hoyt-Stewart, Voting Technology Program Manager.
77 Ms. Hoyt-Stewart advised the Board that the Election Systems & Software initiated the
78 certification evaluation to ELECT on January 27, 2021. *This report is in the Working Papers*
79 *for the June 22, 2021 meeting.* Chairman Brink opened the floor to public comment. No
80 public comment was given. Secretary LeCruise moved *that the Board certify the use of the*
81 *Election Systems & Software voting system-version 6.1.1.0 in elections in the Commonwealth*

82 *of Virginia, pursuant to the State Certification of Voting Systems: Requirements and*
83 *Procedures.* Vice Chair O'Bannon seconded the motion and the motion passed unanimously.

84 Ms. Hoyt-Stewart advised the Board that Unisyn initiated the certification evaluation
85 to ELECT on March 19, 2021. *This report is in the Working Papers for the June 22, 2021*
86 *meeting.* Chairman Brink opened the floor to public comment. No public comment was
87 given. Vice Chair O'Bannon moved *that the Board certify the use of Unisyn Voting Solutions*
88 *voting system – version 2.1.1 in elections in the Commonwealth of Virginia, pursuant to the*
89 *State Certification of Voting Systems: Requirements and Procedures.* Secretary LeCruise
90 seconded the motion and the motion passed unanimously.

91 Ms. Hoyt-Stewart informed the Board that Hart InterCivic initiated the certification
92 evaluation to ELECT on February 23, 2021. *This report is in the Working Papers for the*
93 *June 22, 2021 meeting.* Chairman Brink opened the floor to public comment. No public
94 comment was given. Secretary LeCruise moved *that the Board certify the use of Hart*
95 *InterCivic Verity Voting system – version 2.5.1 in elections in the Commonwealth of*
96 *Virginia, pursuant to the State Certification of Voting Systems: Requirements and*
97 *Procedures.* Vice Chairman O'Bannon seconded the motion and the motion passed
98 unanimously.

99 Ms. Hoyt-Stewart informed the Board that the Dominion initiated the certification
100 evaluation to the Department of Elections on April 16, 2021. *This report is in the Working*
101 *Papers for the June 22, 2021 meeting.* Chairman Brink opened the floor to public comment.
102 No public comment was given. Vice Chair O'Bannon moved *that the Board certify the use of*

103 *Dominion voting system – version 5.5-C in elections in the Commonwealth of Virginia,*
104 *pursuant to the State Certification of Voting Systems: Requirements and Procedures.*
105 Secretary LeCruise seconded the motion and the motion passed unanimously.

106 Ms. Hoyt-Stewart informed the Board that Robis initiated the certification evaluation
107 to the Department of Elections on June 2, 2021. *This report is in the Working Papers for the*
108 *June 22, 2021 meeting.* Chairman Brink opened the floor to public comment. No public
109 comment was given. Secretary LeCruise moved *that the Board certify the use of Robis*
110 *Elections electronic pollbooks version 3.4.139.0 in elections in the Commonwealth of*
111 *Virginia, pursuant to the State Certification of Electronic Pollbooks: Requirements and*
112 *Procedures.* Vice Chair O'Bannon seconded the motion and the motion passed unanimously.

113 The fifth item of business was the Statewide Voter Registration System Request
114 (“SVRS”) for Proposal Update, presented by Gail Gilstrap, Project Manager. *This*
115 *presentation is in the Working Papers for the June 22, 2021 meeting.* Vice Chair O'Bannon
116 asked Ms. Gilstrap who is conducting negotiations with the vendors for the final contracts.
117 Ms. Gilstrap stated that they are currently preparing a training on negotiations to be reviewed
118 with ELECT. She explained that the lead negotiator must understand SVRS and all the
119 agency needs. Commissioner Piper stated that before a contract is finalized it would be
120 reviewed by the OAG.

121 Chairman Brink asked Ms. Gilstrap if the RFP would be flexible enough to provide
122 multiple functions for different reports and certifications. Ms. Gilstrap stated that the RFP
123 has brought in many of the requirements needed for ELECT to function. She explained that

124 ELECT can propose additional capabilities during negotiations, but to be aware of the cost
125 and time to implement the new request. The Chairman asked Ms. Gilstrap if ELECT would
126 be working with the GA to ensure that code requirements conform to the new system.
127 Commissioner Piper stated that the goal of the system is adaptability, by having a system that
128 can quickly make updates and changes.

129 Chairman Brink opened the floor to public comment. No comment was given.

130 The sixth item of business was the Ranked Choice Voting Regulations and
131 Supporting Documents presented by Samantha Buckley, ELECT Policy Analyst. *This report*
132 *is in the Working Papers for the June 22, 2021 meeting.* Chairman Brink opened the floor for
133 public comment. No public comment was given. Vice Chair O'Bannon moved *that the*
134 *Board put forward for public comment the Department's proposal for ranked choice voting*
135 *regulations and ballot standards.* Secretary LeCruise seconded the motion and the motion
136 passed unanimously.

137 The seventh item of business was the Delegations of Authority presented by Rachel
138 Lawless, Confidential Policy Assistant, and Ashley Coles, ELECT Policy Analyst. *This*
139 *report is in the Working Papers for the June 22, 2021 meeting.* Chairman Brink suggested
140 that consideration of this item be deferred to the next meeting.

141 The eighth item of business was the Campaign Finance Regulations for Print Media
142 Advertisements, presented by Daniel Davenport, ELECT Policy Analyst. Mr. Davenport
143 advised the Board that this regulation is required by House Bill 1238, passed during the 2020
144 General Assembly Session. *This report is in the Working Papers for the June 22, 2021*

145 *meeting.* Chairman Brink opened the floor to public comment. No public comment was
146 given. Secretary LeCruise moved *that the Board approve the Department's proposal for*
147 *regulatory action regarding print media requirements for political campaign advertisements.*
148 Vice Chair O'Bannon seconded the motion and the motion passed unanimously.

149 The ninth item of business was Absentee Witness Signatures during State of,
150 Emergency, presented by Daniel Davenport, ELECT Policy Analyst. Mr. Davenport
151 informed the Board that this regulation is to clarify the absentee ballot witness signature
152 requirements under §24.2-707 of the Code of Virginia. *This report is in the Working Papers*
153 *for the June 22, 2021 meeting.* Chairman Brink opened the floor for public comment. No
154 public comment was given. Vice Chairman O'Bannon moved *that the Board approve the*
155 *proposed regulatory action regarding absentee ballot witness signatures during a state of*
156 *emergency.* Secretary LeCruise seconded the motion and the motion passed unanimously.

157 The tenth item of business was the Absentee Third Party Vendor Regulations
158 presented by Daniel Davenport, ELECT Policy Analyst. Mr. Davenport informed the Board
159 that this regulation is required by Senate Bill 1239 from the 2021 General Assembly Special
160 Session. It modifies § 24.2-706 of the Code of Virginia by inserting a new subsection (D).
161 *This report is in the Working Papers for the June 22, 2021 meeting.* Chairman Brink opened
162 the floor to public comment. No comment was given. Vice Chair O'Bannon moved *that the*
163 *Board approve the Department's proposed regulation regarding third parties assembling*
164 *and mailing absentee ballots.* Secretary LeCruise seconded the motion and the motion
165 passed unanimously.

166 The eleventh item of business was the Revised Stand By Your Ad Policy 2021-001,
167 presented by Tammy Alexander, Campaign Finance Compliance and Training Specialist.
168 *This report is in the Working Papers for the June 22, 2021 meeting.* Chairman Brink opened
169 the floor for public comment. No public comment given. Secretary LeCruise moved *that the*
170 *Board adopt the enclosed process for the Department of Elections' handling of complaints*
171 *alleging violations of Chapter 9.5 Stand by Your Ad.* Vice Chair O'Bannon seconded the
172 motion and the motion passed unanimously.

173 The twelfth item of business was the Drawing for Party Order on the Ballot, presented
174 by Paul Saunders, Elections Administration Supervisor. Mr. Saunders explained to the Board
175 that the ballot drawing would be for the party ballot order from July 1, 2021 through April
176 30, 2022. *This report is in the Working Papers for the June 22, 2021 meeting.* Commissioner
177 Piper facilitated the drawing of the political party order. The ballot order is as follows:

- 178 1. Republican
179 2. Democratic

180 Chairman Brink opened the floor to public comment. No public comment was given. Vice
181 Chair O'Bannon moved *that the Board certify the determination by lot of the ballot order for*
182 *all general and special elections being held July 1, 2021 through April 30, 2022.* Secretary
183 LeCruise seconded the motion and the motion passed unanimously.

184 The thirteenth item of business was the Revised Absentee Ballot Application,
185 presented by David Nichols, Elections Administration Manager. Mr. Nichols informed the
186 Board that the changes to the Code by laws that were passed in 2020 and 2021 with an

187 effective date of July 1, 2021. *This report is in the Working Papers for the June 22, 2021*
188 *meeting.* Chairman Brink opened the floor to public comment. No public comment was
189 given. Secretary LeCruise moved *that the Board adopt the revised Virginia Absentee Ballot*
190 *Application form and the Virginia Permanent Absentee Voter Single Election Change form*
191 *as presented by staff to become effective on July 1, 2021.* Vice Chair O'Bannon seconded the
192 motion and the motion passed unanimously.

193 The fourteenth item of business was ELECT's New Organizational Chart presented
194 by Commissioner Piper. Commissioner Piper expressed his appreciation to the ELECT staff.
195 The Commissioner informed the Board that in 2018 JLARC recommended the hiring of a
196 full-time classified employee to oversee the day-to day operational aspects of the
197 organizations. *This report is in the Working Papers for the June 22, 2021 meeting.*
198 Commissioner Piper stated that the chart divides ELECT functions between day-to-day
199 operations and the policy aspects of the agency. Chairman Brink opened the floor to public
200 comment. No public comment was given.

201 The fifteenth item of business was the update of Office of Attorney General
202 Investigations of the City of Richmond Electoral Board, presented by Carol Lewis, Office of
203 Attorney General. Ms. Lewis advised the Board that the Attorney General is committed to
204 devoting the necessary resources to resources to investigate the allegations that have been
205 raised with regard to the Richmond Electoral Board. She informed the Board that the
206 Attorney General will provide the Board with any information regarding this matter at the
207 appropriate time. Chairman Brink opened the floor to public comment. No public comment
208 was given.

STATE BOARD OF ELECTIONS
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Tuesday, June 22, 2021

209 The sixteenth item of business was the Candidate Filing Extensions presented by
210 David Nichols, Elections Administrations Manager. *This report is in the Working Papers for*
211 *the June 22, 2021 meeting.* Chairman Brink suggested that the Board defer considerations of
212 this item until June 30, 2021.

213 The seventeenth item of business was the GR Certification Extension presented by
214 David Nichols, Elections Administration Manager. *This report is in the Working Papers for*
215 *the June 22, 2021 meeting.* Chairman Brink opened the floor to public comment. No public
216 comment was given. Secretary LeCruise moved *that the Board grant the request from the*
217 *Electoral Board of Appomattox County for their General Registrar to have an additional 45-*
218 *days until August 6, 2021 to complete the State Board of Elections Certification Program.*
219 Vice Chair O'Bannon seconded the motion and the motion passed unanimously.

220 Chairman Brink opened the floor to Public Comment. Lee Goodman, Attorney at Law
221 with Wiley Rein LLP, and Kelly Fowler, Chairwoman of Virginia Beach Democratic
222 Committee, addressed the Board.

223 Secretary LeCruise moved that the Board adjourn the meeting. Vice Chair O'Bannon
224 seconded the motion and the motion passed unanimously.

225 The meeting adjourned at approximately 3:35 P.M.

226
227 

228 Chairman

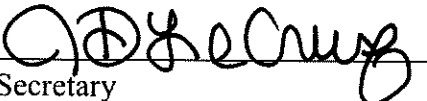
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Vice Chairman

STATE BOARD OF ELECTIONS
FINAL Meeting Minutes
Tuesday, June 22, 2021

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Secretary