



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

# BOARD MEETING

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Wednesday, December 16, 2015  
General Assembly Building  
Room C  
10:00AM

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SBE Board Working Papers



**STATE BOARD OF ELECTIONS  
AGENDA**

*DATE: December 16, 2015  
LOCATION: General Assembly Building, Room C  
TIME: 10:00 a.m.*

- I. CALL TO ORDER** *James B. Alcorn  
SBE Chair*
- II. APPROVAL OF MINUTES** *SBE Board Members*  
November 3, 2015 & November 16, 2015
- III. COMMISSIONER'S REPORT** *Edgardo Cortés  
ELECT Commissioner*
- IV. OLD BUSINESS**
- A. Campaign Finance – Violations** *Brooks Braun  
ELECT Policy Analyst*
- V. NEW BUSINESS**
- A. Ballot Order Drawing- Presidential Primary** *Reiko Doğu  
Senior Elections Administrator*  
March 1, 2016
- B. RPV Affirmation Statement** *Reiko Doğu*
- C. Conflict of Interest Statement** *Martha Brissette  
ELECT Policy Analyst*
- D. General Registrars – Full Time Requests** *Martin Mash  
ELECT Policy Advisor*
- E. Legal Report – Closed Session-Litigation** *Anna Birkenheier  
SBE & ELECT  
Legal Counsel*
- F. Electronic Pollbooks Certification** *Edgardo Cortés  
ELECT Commissioner*
- G. SB11 Workgroup – Final Report** *Matt Davis  
ELECT CIO*
- H. Post-Election Update** *Myron McClees  
ELECT Policy Analyst*
1. Goochland County Request for Post-Election  
    Audit
- VI. OTHER BUSINESS & PUBLIC COMMENT**  
Next Meeting – January 8, 2016-GAB-C @ 10am
- VII. ADJOURNMENT**



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STATE BOARD *of* ELECTIONS

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# Call to Order

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BOARD WORKING PAPERS



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STATE BOARD *of* ELECTIONS

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# Minutes Approval November 3, 2015 & November 16, 2015

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BOARD WORKING PAPERS  
SBE Board Members



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STATE BOARD *of* ELECTIONS

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# Minutes Approval November 3, 2015

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BOARD WORKING PAPERS  
SBE Board Members

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Tuesday, November 3,  
4 2015. The meeting was held in the Washington Building, Richmond, Virginia – Room  
5 B27. In attendance, representing the State Board of Elections (SBE) was James Alcorn,  
6 Chairman; Clara Belle Wheeler, Vice Chair, and Singleton McAllister, Secretary. Also in  
7 attendance, representing the Department of Elections (ELECT) was Edgardo Cortés,  
8 Commissioner; Elizabeth Howard, Deputy Commissioner; Martin Mash, Policy Advisor,  
9 and Rose Mansfield, Clerk. Anna Birkenheier, Assistant Attorney General and Counsel to  
10 SBE and ELECT attended. Chairman Alcorn called the meeting to order at 8:30AM.

11 The first order of business was the Commissioner’s Report delivered by  
12 Commissioner Cortés. Commissioner Cortés provided Board members with an Election  
13 Day update. Commissioner Cortés reported that ELECT staff members were available to  
14 provide assistance prior to the polls opening. Commissioner Cortés reported that the City  
15 of Richmond experienced electronic pollbook issues at the opening of the polls. Eugene  
16 Burton, Voting Technology Coordinator, assisted the City of Richmond to resolve the  
17 situation. Commissioner Cortés stated that when the city set up their electronic pollbooks  
18 they selected a setting that is designed for a central absentee precinct (CAP) that prompts  
19 for the entry of a code, when a voter checks-in, to indicate the ballot style. This code was  
20 accidentally entered during the programing stage. Commissioner Cortés stated that the  
21 election officers were not trained on utilization of this code. The City of Richmond took  
22 the appropriate corrective action and at this time their systems are functioning correctly.

23 Chairman Alcorn asked if any voters left the polls without voting. Commissioner  
24 Cortés stated that there was one report of a voter leaving and the general registrar is  
25 attempting to make contact with this voter. Chairman Alcorn asked if ELECT tracked  
26 the election day issues to include the volume of calls received by ELECT. Commissioner  
27 Cortés stated that a comprehensive tracking system is not in place; however, we can  
28 report the volume rather than the content of the calls. Secretary McAllister stated that a  
29 reporting system on the types of calls received by ELECT would benefit the elections  
30 community and help to focus training efforts of election officers. Commissioner Cortés  
31 stated that ELECT has requested funding for an outside agency to establish a call center

32 as the staffing levels at ELECT would not be able to handle the volume especially around  
33 a presidential election.

34 The next order of business was the Legal Report presented by Anna Birkenheier,  
35 Assistant Attorney General. Ms. Birkenheier stated that there were no updates to provide  
36 members.

37 The next order of business was the public comment period. Chairman Alcorn  
38 asked if there were any public comments and there were none.

39 Chairman Alcorn moved *that the Board recess until 12:30PM*. Secretary  
40 McAllister seconded the motion and without further comment the Board voted  
41 unanimously to recess. Chairman Alcorn moved that the Board reopen the meeting at  
42 12:40PM. Secretary McAllister seconded the motion. The Board unanimously approved  
43 the motion. Chairman Alcorn asked Commissioner Cortés to provide an election day  
44 update.

45 Commissioner Cortés reported that Campbell County had an issue with three  
46 precincts, that are split precincts, and each precinct is running low on a particular ballot  
47 style. Campbell County is making emergency ballots and has notified the vendor, Hart  
48 Voting Equipment. The vendor has sent a PDF to the locality which will allow additional  
49 printing of the ballot at their main office. Chairman Alcorn asked if ELECT provides  
50 guidance/training to the localities on how to order ballots and how to estimate the number  
51 of ballots needed during a particular election. Commissioner Cortés stated that the  
52 general registrars utilize previous elections as a guide.

53 Commissioner Cortés reported that Norfolk City had an issue with the TSX  
54 machines. ELECT received a complaint that a voter was having issue with a machine that  
55 kept switching the vote to the unselected candidate. As a result, Norfolk City has  
56 requested a technician to recalibrate the machine. Chairman Alcorn inquired if this was  
57 the same issue and equipment that experience problems in Virginia Beach City.  
58 Commissioner Cortés acknowledged that it was the same issue on the same equipment.  
59 Commissioner Cortés noted that Manassas City had a minor equipment issue and that the  
60 issue has been resolved. Commissioner Cortés stated that Roanoke City had issues related  
61 to their connectivity between their electronic pollbook units. The units were not  
62 communicating with each other correctly in locations that have multiple pollbooks.

63 Voters were offered the opportunity to vote provisionally while the issue was resolved.  
64 ELECT spoke with the locality and directed Roanoke City to conduct alphabet splits  
65 similar to the handling of paper pollbooks. The software vendor, DemTech, has been  
66 contacted. Commissioner Cortés reported that Mecklenburg County had a precinct that  
67 needed to replace a scanning machine. The equipment needing replaced is new and is  
68 being tested. The equipment is under warranty and will be replaced. Commissioner  
69 Cortés reported that Richmond had several equipment issues because the officer of  
70 election did not remove the stabilizing bar placed in the back of the equipment during the  
71 storage process. This bar blocked the entry of the ballots and the issue was resolved as it  
72 was an election officer error rather than an equipment malfunction. Commissioner Cortés  
73 reported that Giles County experienced a power outage that affected three precincts. The  
74 Department of Mines & Minerals, Eileen Carson and Rose Mansfield, SBE Clerk  
75 coordinated a rapid response team and power was restored within the hour. Generators  
76 were utilized to keep the polling location fully functional during the outage.  
77 Commissioner Cortés noted that Fairfax County had a power outage in one precinct for a  
78 brief moment; however, voting operations remained totally functional.

79 Commissioner Cortés stated that ELECT has been encouraging the localities to  
80 replace this equipment. Vice Chair Wheeler emphasized that the inaugural testing of new  
81 voting equipment, in those localities that need to replace aging voting equipment, should  
82 not be delayed until the November, 2016, federal election. Commissioner Cortés stated  
83 that several localities have indicated that unless they are mandated to cease utilizing their  
84 existing equipment that they have no plans and or resources to purchase new equipment.  
85 Vice Chair Wheeler requested that ELECT provided SBE a list of the localities that are  
86 still using the non-optical scan equipment. Commissioner Cortés stated that the ability to  
87 input this information into VERIS is an option for the general registrar and if utilized  
88 provides an avenue for ELECT to track voting equipment inventory across the  
89 Commonwealth. Commissioner Cortés stated that ELECT website contains a list of  
90 equipment utilized by the localities. ELECT will be sending a survey to the general  
91 registrars that will inquire about the types of issues that their voting equipment  
92 experienced on Election Day. Commissioner Cortés reported that The Daily Show-

93 Comedy Central came to ELECT and filmed an interview on the subject of aging voting  
94 equipment. The segment is due to air in the near future.

95 Chairman Alcorn inquired about the Republican Party letter regarding  
96 Chesterfield County and sample ballots presented to board members prior to the meeting.  
97 Commissioner Cortés stated that the letter was received and he was a “cc” recipient.  
98 Chairman Alcorn stated that the local electoral board should handle the issue. Eppa  
99 Hunton, Democratic Party representative, stated that the *code* section referenced in the  
100 republican letter does not apply to the sample ballot issue presented. Mr. Hunton stated  
101 that ELECT has defined a sample ballot as a copy of the ballot and the distributed item  
102 was not a copy. Chairman Alcorn stated that a definition of a sample ballot has not come  
103 from the board rather ELECT. Deputy Commissioner Howard stated that several states  
104 have attempted to define what constitutes a sample ballot and there is a federal regulation  
105 from the Federal Election Commission (FEC) that can be presented in the future to the  
106 board members. Chairman Alcorn stated that the board should develop a standard for a  
107 sample ballot as there is no clear definition at this point.

108 Chairman Alcorn moved *that the Board recess until 6:30PM*. Secretary  
109 McAllister seconded the motion and without further comment the Board voted  
110 unanimously to recess. Chairman Alcorn moved that the Board reopen the meeting at  
111 6:40PM. Vice Chair Wheeler seconded the motion. The Board unanimously approved the  
112 motion. Ms. Mansfield conducted the roll call and noted the absence of Secretary  
113 McAllister. Chairman Alcorn asked Commissioner Cortés to provide an Election Day  
114 update.

115 Commissioner Cortés stated that Greene, Wise, and Washington counties have  
116 experienced machine failures in some of their precincts. The voting equipment that  
117 experienced difficulties was taken out-of-service. The Edge Voting Systems, utilized by  
118 these localities, is a touch screen type unit and the units in question stopped working.

119 Commissioner Cortés stated that ELECT has been notified that Richmond City, in  
120 their split-precinct locations, was issuing the wrong ballot style. Gary Fox, Election  
121 Supervisor, stated that ELECT has made contact with the general registrar. Voters in  
122 precincts 206 & 307, which are split-precincts, were given the wrong ballot to cast.  
123 Chairman Alcorn asked if ELECT had the number of incorrect ballots that were given to

124 voters. Mr. Fox stated that Richmond City cannot calculate the error. Mr. Fox stated that  
125 Richmond City did not program their pollbooks correctly and did not account for the  
126 split-precinct. Chairman Alcorn stated that Richmond City should come to the SBE  
127 meeting in December, 2015, to discuss the issues that occurred on Election Day.  
128 Commissioner Cortés stated that overall Election Day went well with only a handful of  
129 localities having difficulties with some of those being technology based. Chairman  
130 Alcorn asked if there were any public comments and there were none.

131 Vice Chair Wheeler moved *that the Board adjourn*. Chairman Alcorn seconded  
132 the motion and without further comment the Board voted unanimously to adjourn. The  
133 meeting was adjourned at approximately 7:00PM.

134 The Board shall reconvene on November 16, 2015, at 1:00PM in the General  
135 Assembly Building, 1100 Bank Street, Room C, Richmond, Virginia.

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Secretary

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Chair

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Vice Chairman

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STATE BOARD *of* ELECTIONS

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# Minutes Approval November 16, 2015

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BOARD WORKING PAPERS  
SBE Board Members

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Monday, November 16,  
4 2015. The meeting was held in the General Assembly Building, Richmond, Virginia –  
5 Room C. In attendance, representing the State Board of Elections (SBE) was James  
6 Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary.  
7 Also in attendance, representing the Department of Elections (ELECT) was Edgardo  
8 Cortés, Commissioner; Elizabeth Howard, Deputy Commissioner; Martin Mash, Policy  
9 Advisor, Brooks Braun, ELECT Policy Analyst; and Rose Mansfield, Clerk. Heather  
10 Hays Lockerman, Senior Assistant Attorney General and Counsel to SBE and ELECT  
11 and Anna Birkenheier, Assistant Attorney General and Counsel to SBE and ELECT  
12 attended. Chairman Alcorn called the meeting to order at 1:10PM.

13 The first order of business was the approval of the Minutes from the State Board  
14 of Elections Board Meeting held on October 6, 2015. Chairman Alcorn asked if Board  
15 Members had any additions or corrections to the Board Meeting Minutes presented and  
16 there were none. Secretary McAllister moved *to adopt the Minutes for the October 6,*  
17 *2015 meeting.* Vice Chair Wheeler second the motion. The Board unanimously approved  
18 the motion. Chairman Alcorn noted that the review of minutes from the November 3,  
19 2015, meeting would be passed to the December 16, 2015, SBE meeting.

20 The second order of business was the Commissioner Report. Commissioner  
21 Cortés stated that ELECT launched an on-line absentee ballot application function on the  
22 citizens' portal – ELECT website two weeks prior to the absentee ballot request deadline.  
23 Commissioner Cortés stated that during that period 16% of the ballots requested were  
24 completed by utilizing the citizens' portal. Commissioner Cortés stated that election night  
25 reporting on-line worked flawlessly and over 25 million views were recorded to the  
26 website. Commissioner Cortés stated that ELECT has been working on in-house software  
27 for the electronic pollbook (EPB) solution to replace the vendor supported state solution  
28 and the initial testing was successful.

29 The next order of business was the Recount Step by Steps – Final Approval  
30 presented by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated per  
31 the board members request the document was sent to the general registrars and the

32 electoral board members for comment via email. Commissioner Cortés stated that no  
33 comments were received at ELECT. Commissioner Cortés requested that the Board give  
34 final consideration to the Recount Step by Steps document. Chairman Alcorn inquired if  
35 members had any comments on the substance of the document presented and there were  
36 none. Chairman Alcorn asked if there was any public comment and there were none. Vice  
37 Chair Wheeler moved *that the Recount Step by Steps document as presented be*  
38 *approved*. Secretary McAllister seconded the motion and the Board unanimously  
39 approved the motion.

40 The next order of business was the Certification of the November 3, 2015, general  
41 election presented by Reiko Doğu, Senior Elections Administrator. Ms. Doğu explained  
42 the process and the applicable code section, §24.2-679A. Ms. Doğu presented the  
43 abstracts to board members and the certificates of elections were signed by board  
44 members. Chairman Alcorn asked ELECT to provide an overview of the events of  
45 election day.

46 Gary Fox, Elections Supervisor stated there were voting equipment issues in the  
47 Commonwealth. Mr. Fox reported that Greene, Washington, Wise, Halifax, and Amherst  
48 counties and Norfolk City had voting equipment issues. Mr. Fox noted electronic  
49 pollbook issues in Richmond City. Mr. Fox stated that as a result the City of Richmond  
50 may have issued the wrong ballot to some voters. Campbell County ran short of ballots in  
51 the morning and the vendor, who was on-site, provided a pdf to resolve the issue. Mr.  
52 Fox stated that some election officers require additional training on voter identification  
53 guidelines and program. Mr. Fox reported that there are canvassing issues among some  
54 electoral board members related to how to complete the process. Additional issues related  
55 to how to handle the large amount of write-in candidates in some of the localities. Mr.  
56 Fox reported that there are no state-wide recounts. Commissioner Cortés thanked the  
57 ELECT team for their work related to the election and the certification process.  
58 Commissioner Cortés stated that the two localities: Winchester and Virginia Beach Cities  
59 were present to discuss their experiences with delivery absentee ballots on time.  
60 Commissioner Cortés stated that ELECT will be sending a survey to the localities  
61 regarding equipment issues and the findings will be presented at the next board meeting.  
62 Chairman Alcorn requested that ELECT included Electronic Pollbook (EPB) questions

63 and rules on regulations that the registrars did not understand on the survey to the  
64 localities. Chairman Alcorn asked if a representative from Winchester City was present at  
65 the board meeting.

66 Liz Martin, Winchester City General Registrar, approached the podium. Ms.  
67 Martin stated that her locality had four late absentee ballots that did not go to the voters  
68 the week prior to being sworn-in as general registrar. Ms. Martin stated that the problem  
69 was caused by a misprint. The remedy is that a pdf of the proofed ballot could have been  
70 used as an attachment for the two ballots associated to the request of military members.  
71 Vice Chair Wheeler inquired about the Winchester City Electoral Board; knowing the  
72 date, of needing to fill the position of general registrar. Ms. Martin stated that the prior  
73 general registrar retired on June 30, 2015. Ms. Martin added that her office is absent a  
74 deputy general registrar and the hiring process is underway. SBE members thanked Ms.  
75 Martin for her efforts as a newly appointed general registrar and for coming to the  
76 meeting. Chairman Alcorn asked if a representative from Virginia Beach was present at  
77 the board meeting.

78 Donna Patterson, Virginia Beach General Registrar, approached the podium. Ms.  
79 Patterson stated that her locality had 13 ballot styles for the general election and believed  
80 that our locality had met the deadlines. Ms. Patterson stated that on the next business day  
81 the office noticed an administrative error. Ms. Patterson stated that 35 voters received the  
82 wrong ballot style. Ms. Patterson stated that her electoral board members were  
83 immediately contacted and an action plan was developed to include notifying ELECT  
84 about the situation. Ms. Patterson stated that her remedy and lesson learned was to  
85 complete the reconciliation administrative process prior to mailing the absentee ballots.  
86 SBE members thanked Ms. Patterson for attending the meeting and explaining the  
87 lessons learned.

88 Chairman Alcorn moved *that the Board certify the results of the November 3,*  
89 *2015 general elections as presented in the Commonwealth.* Vice Chair Wheeler seconded  
90 the motion and without public comment the Board unanimously approved the motion.

91 Chairman Alcorn moved *that the Board recess at 4:05PM.* Secretary McAllister  
92 seconded the motion and without further comment the Board voted unanimously to

93 recess. Chairman Alcorn moved that the Board reopen the meeting at 4:20PM. Secretary  
94 McAllister seconded the motion. The Board unanimously approved the motion.

95 The next order of business was the Voting Systems Certification presented by  
96 Eugene Burton, ELECT Voting Technology Specialist. Mr. Burton stated that the  
97 Dominion Voting Systems Democracy Suite 4-14-E voting system was ready for  
98 certification for use in election in the Commonwealth. Mr. Burton stated that SBE was  
99 provided with the test report and the technical data package was in their working papers.  
100 Mr. Burton stated that upon agreement with the test plan, the evaluation was conducted  
101 on October 13, 2015 through October 14, 2015, in the Department of Elections offices in  
102 Richmond, Virginia. In addition, the system was successfully piloted during an election  
103 in Bedford County on November 3, 2015. Mr. Burton stated that the Dominion Voting  
104 Systems Democracy Suite 4-14-E voting system successfully completed Virginia State  
105 Certification. Chairman Alcorn moved *that the Board certify Dominion Voting Systems*  
106 *Democracy Suite 4-14-E voting systems for use in elections in the Commonwealth of*  
107 *Virginia, pursuant to the State Certification of Voting Systems: Requirements and*  
108 *Procedures*. Vice Chair Wheeler seconded the motion. Chairman Alcorn asked if there  
109 was public comment and there was none. The Board unanimously approved the motion.

110 The next order of business was the update on electronic pollbooks presented by  
111 Susan Lee, Director of Compliance and Administration. Ms. Lee stated that Virginia  
112 Information Technologies Agency (VITA) is conducting vulnerability and penetration  
113 scans on four systems currently undergoing the certification process for use in the  
114 commonwealth. ELECT has been receiving the reports as the testing occurs and is  
115 reviewing the information as it becomes available. ELECT staff is analyzing the  
116 information before the consideration of approval is made to SBE. Ms. Lee provided an  
117 update and overview of the four systems being tested. Secretary McAllister asked if any  
118 of the localities are waiting on a decision from ELECT before purchasing the pollbooks.  
119 Ms. Lee stated that two localities: Fairfax County and City of Richmond were awaiting  
120 approval. Secretary McAllister asked if any of the localities were present and wanted to  
121 comment. Cameron Sasnett, General Registrar of Fairfax County; Kate Hanley, Electoral  
122 Board Secretary of Fairfax County; Kirk Showalter, General Registrar of Richmond City;

123 Abel Freewalt, KnowINK vendor representative and David Styles, lobbyists  
124 representative provided comment.

125 Ms. Lee stated that the completed reports will be presented at the next board  
126 meeting, December 16, 2015 for consideration. Bob Baskette, VITA representative,  
127 assured the board members that the data that Ms. Lee's team required to complete the  
128 process would be delivered in time for consideration at the next board meeting. Chairman  
129 Alcorn requested that when the testing summary reports are received by ELECT that  
130 those reports are released to interested parties and the public for consumption. Vice  
131 Chair Wheeler left the meeting at 5:00PM and returned at 6:15PM.

132 The next order of business was the SB11 Workgroup update provided by  
133 Chairman Alcorn. Chairman Alcorn stated SB11 relates to the electronic return of  
134 absentee ballots for active duty military stationed overseas. The workgroup has been  
135 meeting over the last couple of months and a draft final report has been provided to SBE.  
136 The recommendations of the workgroup will be sent to the general assembly and the  
137 governor's office. Chairman Alcorn stated that the workgroup has been discussing the  
138 risks and the costs associated with SB11. Chairman Alcorn stated that the final report  
139 would be presented by the workgroup at the December 16, 2015, SBE meeting.  
140 Commissioner Cortés thank ELECT staff for their support and efforts of the workgroup.

141 The next order of business was the Campaign Finance Violations reports  
142 presented by Brooks Braun, ELECT Policy Analyst. Mr. Braun stated that the first Stand  
143 by Your Ad complaint was for Sara Ward. Mr. Braun explained the materials associated  
144 to the complaint and the disclaimer violation associated to the materials. Mr. Braun stated  
145 that staff recommends that SBE should find that Vote Sara Ward has violated the  
146 provisions of the Stand by Your Ad and should fine her campaign accordingly in an  
147 amount not to exceed \$1000.00. Chairman Alcorn asked if the candidate was present and  
148 wished to speak on the issue before the board. Ms. Ward approached the podium. Ms.  
149 Ward stated that she was informed of the error and changes were made to the language  
150 immediately to conform to the statute. Chairman Alcorn stated that historically a first time  
151 offense has a penalty of \$100.00 assessed to the candidate and requested that Mr. Braun  
152 document this pattern for constituency. Chairman Alcorn moved *that SBE assess a civil*

153 *penalty of \$100.00 to the Vote Sara Ward campaign.* Secretary McAllister seconded the  
154 motion and without further comment the board unanimously approved the motion.

155 The next order of business was the campaign violation for Friends of Mike  
156 McMenamin. Mr. Braun stated that ELECT received a complaint about a phone call  
157 potentially being generated by the candidate. Mr. Braun stated that ELECT does not  
158 present a recommendation on how to handle this complaint due to complexity of the  
159 nature and origin of the phone call. Chairman Alcorn and Secretary McAllister stated that  
160 the complaint lacked the evidence necessary to substantiate the claim. Chairman Alcorn  
161 asked if the candidate was present and wished to speak on the issue before the board. Mr.  
162 McMenamin approached the podium and stated that his campaign complied with the law.  
163 Chairman Alcorn moved *that the complaint against the Friends of Mike McMenamin be*  
164 *dismissed for the lack of evidence.* Secretary McAllister seconded the motion and without  
165 further comment the board unanimously approved the motion.

166 The next order of business was the campaign violation for Friends of Monique  
167 Miles. Mr. Braun stated that ELECT received a complaint regarding candidate Monique  
168 Miles and her print advertisement that did not contain the required Stand by Your Ad  
169 disclosure. Board members reviewed the submitted materials. Mr. Braun stated that  
170 ELECT recommends that SBE should find that Friends on Monique Miles has violated  
171 the provisions of Stand by Your Ad and should fine the campaign accordingly in an  
172 amount not to exceed \$1000.00. Mr. Braun stated that historically SBE would fine  
173 \$300.00 in total to represent \$100.00 each for the three incidents. Chairman Alcorn asked  
174 if the candidate was present and wished to speak on the issue before the board. Ms. Miles  
175 approached the podium and stated that error occurred with one of the newspaper  
176 advertisement submitted and was correct with the other news outlets. Ms. Miles  
177 apologized for the error and hoped that the board would consider that it was a first time  
178 violation. Chairman Alcorn moved *that SBE assess a civil penalty of \$300.00 to the*  
179 *Friends of Monique Miles campaign.* Secretary McAllister seconded the motion and  
180 without further comment the board unanimously approved the motion.

181 The next order of business was the campaign violation for Mark Marshall for  
182 Sheriff. Mr. Braun stated that ELECT received a complaint regarding candidate Mark  
183 Marshall and his yard signs and banners that were distributed. Also noted in the

184 complaint was a joint advertisement with Georgette Phillips that was printed in a local  
185 newspaper absent the required disclosures. Board members reviewed the submitted  
186 materials. Mr. Brooks stated that ELECT recommends that SBE should find that Mark  
187 Marshall for Sheriff has violated the provisions of Stand by Your Ad and should fine the  
188 campaign accordingly in an amount not to exceed \$1000.00. Chairman Alcorn asked if  
189 the candidate was present and wished to speak on the issue before the board and the  
190 candidate did not respond. Mr. Braun stated that the candidate was notified that this  
191 matter would be presented at this board meeting. Mr. Braun noted that Georgette Phillips  
192 will appear before the board at a future meeting to have her hearing regarding the joint  
193 advertisement. Chairman Alcorn moved *that SBE assess a civil penalty of \$300.00 to the*  
194 *Mark Marshall for Sheriff Campaign.* Secretary McAllister seconded the motion and  
195 without further comment the board unanimously approved the motion.

196 The next order of business was the campaign violation for Van Fleet for  
197 Alexandria Council. Mr. Braun stated that ELECT received a complaint regarding  
198 candidate Van Fleet regarding a mailer that was delivered to residents in Alexandria  
199 which omitted the required disclosures. Board members reviewed the submitted  
200 materials. Mr. Braun stated that ELECT recommends that SBE should find that Van Fleet  
201 for Alexandria Council has violated the provisions of Stand by Your Ad and should fine  
202 the campaign accordingly in an amount not to exceed \$1000.00. Mr. Braun stated that  
203 there were a total of four violations. Chairman Alcorn asked if the candidate was present  
204 and wished to speak on the issue before the board and the candidate did not respond. Mr.  
205 Braun stated that the candidate was notified that this matter would be presented at this  
206 board meeting and that there was a message from Mr. Fleet, left at the ELECT office, that  
207 due to the meetings timing had not been responded to by ELECT. Chairman Alcorn  
208 recommended that ELECT move this violation to a future board meeting and Mr. Braun  
209 complied.

210 The next order of business was the campaign violation for W. Wayne Robertson.  
211 Mr. Braun stated that ELECT received a complaint regarding candidate W. Wayne  
212 Robertson regarding a flyer that omitted the required disclosures. Board members  
213 reviewed the submitted materials. Mr. Braun stated that ELECT recommends that SBE  
214 should find that W. Wayne Robertson has violated the provisions of Stand by Your Ad

215 and should fine the campaign accordingly in an amount not to exceed \$1000.00.  
216 Chairman Alcorn asked if the candidate was present and wished to speak on the issue  
217 before the board and the candidate did not respond. Mr. Braun stated that the candidate  
218 was notified that this matter would be presented at this board meeting. Chairman Alcorn  
219 moved *that SBE assess a civil penalty of \$100.00 to the W. Wayne Robertson campaign.*  
220 Secretary McAllister seconded the motion and without further comment the board  
221 unanimously approved the motion.

222 The next order of business was the campaign violation for Kyra Bullock for  
223 Circuit Court Clerk. Mr. Braun stated that ELECT received a complaint regarding  
224 candidate Kyra Bullock regarding a yard sign that omitted the disclosure. Board members  
225 reviewed the submitted materials. Mr. Braun stated that ELECT recommends that SBE  
226 should find that Kyra Bullock has violated the provisions of Stand by Your Ad and  
227 should fine the campaign accordingly in an amount not to exceed \$1000.00. Chairman  
228 Alcorn asked if the candidate was present and wished to speak on the issue before the  
229 board and the candidate did not respond. Mr. Braun stated that the candidate was notified  
230 that this matter would be presented at this board meeting. Chairman Alcorn moved *that*  
231 *SBE assess a civil penalty of \$100.00 to the Kyra Bullock campaign.* Secretary  
232 McAllister seconded the motion and without further comment the board unanimously  
233 approved the motion.

234 The next order of business was the campaign violation for Teri L. Pace for  
235 Supervisor. Mr. Braun stated that ELECT received a complaint regarding candidate Teri  
236 L. Pace regarding a flyer that omitted the required disclosures. Board members reviewed  
237 the submitted materials. Mr. Braun stated that ELECT recommends that SBE should find  
238 that Teri L. Pace has violated the provisions of Stand by Your Ad and should fine the  
239 campaign accordingly in an amount not to exceed \$1000.00. Chairman Alcorn asked if  
240 the candidate was present and wished to speak on the issue before the board and the  
241 candidate did not respond. Mr. Braun stated that the candidate was notified that this  
242 matter would be presented at this board meeting. Chairman Alcorn moved *that SBE*  
243 *access a civil penalty of \$100.00 to the Teri L. Pace campaign.* Secretary McAllister  
244 seconded the motion and without further comment the board unanimously approved the  
245 motion.

246           The next order of business was the campaign violation for Supporters of  
247 Jacqueline Smith for Clerk of the Circuit Court. Mr. Braun stated that ELECT received a  
248 complaint regarding candidate Jacqueline Smith regarding several advertisements that  
249 omitted the required disclosures. Board members reviewed the submitted materials. Mr.  
250 Braun stated that ELECT does not have a recommendation regarding the complaint.  
251 Chairman Alcorn asked if the candidate was present and wished to speak on the issue  
252 before the board and the candidate did not respond. Mr. Braun stated that the candidate  
253 was notified that this matter would be presented at this board meeting. Chairman Alcorn  
254 stated that the phrase “created in house by volunteers for...” needed additional  
255 interpretation and requested that Mr. Braun conduct additional research regarding the  
256 *code* and the historical interpretation by the board. Chairman Alcorn referred the matter  
257 until the next board meeting.

258           Chairman Alcorn stated that the discussion of campaign finance violations should  
259 occur before the election with caution that the board does not act as a sounding device for  
260 a political campaign. Vice Chair Wheeler stated that dealing with alleged misconduct in  
261 the middle of a campaign needs to be addressed when the complaint arrives at ELECT  
262 not after the election. Chairman Alcorn asked counsel if receiving the materials  
263 electronically prior to an election for review and determination if the violation should be  
264 heard at the next board meeting would cause any legal compromise. Ms. Birkenheier  
265 stated that receiving the materials electronically would not cause an issue; however  
266 selecting certain complaints to act upon may cause issues. Secretary McAllister  
267 confirmed with Mr. Braun that additional complaints would be heard at the next board  
268 meeting.

269           The next order of business was the Electronic Signatures on Absentee Ballots  
270 presented by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated that  
271 the board stated during the October, 2015 meeting that discussion of this matter would  
272 occur today. The department does not have any additional recommendations or proposals  
273 to present regarding this matter. Chairman Alcorn stated that there are several options to  
274 consider: (i) stay with the status quo, (ii) refer back to where we were, (iii) require the use  
275 of the state solution/system, and (iv) develop a new standard for electronic signatures.  
276 Chairman Alcorn asked what are the advantages and disadvantages of requiring voters to

277 use the state system. Chairman Alcorn stated that if the outcome, is to look for a new  
278 standard for electronic signatures on absentee ballots, it would be beneficial to review  
279 similar programs implemented in other states. Chairman Alcorn stated that he would like  
280 a briefing on any issues that occurred on absentee ballots with electronic signatures. Vice  
281 Chair Wheeler stated that a survey to the electoral boards on any electronic signatures  
282 issues should be sent to the elections community.

283 Commissioner Cortés stated that ELECT anticipated the request for information  
284 from the board and specifically added the method of request for the absentee ballot into  
285 the process. Commissioner Cortés stated that a violations or misuse of the electronic  
286 signature program would be referred to the local commonwealth attorneys' office and the  
287 survey could ask if any referrals have been made regarding electronic signature  
288 violations. Commissioner Cortés stated that the on-line absentee ballot portal and the on-  
289 line registration portal have the same parameters. Commissioner Cortés stated that  
290 information is being gathered, regarding electronic signatures, through the absentee ballot  
291 workgroup and related concerns and questions are being presented to ELECT for  
292 analysis. Chairman Alcorn asked that the source of the on-line portals utilized by voters  
293 be provided to SBE as well the identification of any problems or issues related to those  
294 portals with a discussion to be held at the next SBE meeting. Secretary McAllister  
295 requested that ELECT provide an overview of the on-line absentee ballot application  
296 process in states that have similar programs.

297 The next order of business was the legal report presented by Anna Birkenheier,  
298 Assistant Attorney General and Counsel to SBE and ELECT. Ms. Birkenheier requested  
299 a closed session to discuss specific legal matters. Chairman Alcorn asked if there were  
300 any public comments and there were none. Chairman Alcorn introduced and welcomed  
301 visitor from the Virgin Islands, Caroline Fawkes: Elections Supervisor.

302 Chairman Alcorn moved *that the SBE Board close the meeting to discuss specific*  
303 *legal matters requiring the provision of legal advice by legal counsel as authorized by §*  
304 *2.2-3711(A)(7) of the Code of Virginia.* Vice Chair Wheeler seconded the motion and  
305 without public comment the Board unanimously approved the motion. Chairman Alcorn  
306 directed Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary; Anna  
307 Birkenheier, Assistant Attorney General and SBE Counsel; Commissioner Cortés and

308 Deputy Commissioner Howard to remain with the Board during the closed session.  
309 Chairman Alcorn asked Heather Hays Lockerman, Senior Assistant Attorney General and  
310 Counsel to SBE and ELECT to participate. The Board went into Executive Session at  
311 5:55PM.

312 At 6:35PM Chairman Alcorn *moved to reconvene in open session and a roll call*  
313 *vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously*  
314 *certifying that during the closed meeting (i) only public business matters lawfully*  
315 *exempted from open meeting requirements under this chapter, and (ii) only such public*  
316 *business matters as were identified in the motion by which the closed meeting was*  
317 *concerned were heard, were discussed or considered.* Vice Chair Wheeler seconded the  
318 motion and the Board unanimously approved the motion. Ms. Mansfield performed the  
319 roll call vote and all Board Members approved the motion.

320 Chairman Alcorn moved *that the Board adjourn.* Vice Chair Wheeler seconded  
321 the motion and without further comment the Board voted unanimously to adjourn. The  
322 meeting was adjourned at approximately 6:40PM.

323 The Board shall reconvene on December 16, 2015 at 10:00AM in the General  
324 Assembly Building, Richmond, Virginia 23219 – Room C.

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Secretary

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Chair

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Vice Chair

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# Commissioner's Report

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BOARD WORKING PAPERS  
Edgardo Cortés  
Commissioner  
Department of Elections



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# Old Business

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BOARD WORKING PAPERS



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# Campaign Finance Violations

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BOARD WORKING PAPERS  
Brooks Braun  
ELECT Policy Analyst



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## Memorandum

**To:** James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary  
**From:** Brooks C. Braun, Policy Analyst  
**Date:** December 16, 2015  
**Re:** Protocol for Handling Campaign Finance Complaints

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**Background:** On October 6, 2015 the State Board was given a presentation that explained the Departments procedures for handling various types of complaints that it receives regarding campaign finance matters. The Chairman asked that a separate memo be prepared for the December 16, 2015 meeting also addressing the Departments procedure for handling campaign finance complaints.

**Procedure for Handling Campaign Finance Complaints:** Campaign finance complaints can fall under any of the three chapters that cover campaign finance in Title 24.2: Chapters 9.3, 9.4, and 9.5. Of these the State Board clearly has jurisdiction to act on complaints about advertisements lacking disclosures required by Chapter 9.5 (“Stand By Your Ad complaints”). Complaints under that chapter eventually come before the Board in a hearing required by § 24.2-955.3(D) of the *Code of Virginia*. All complaints alleging violations of the law under Chapters 9.3 and 9.5 are currently handled by referring the complainant to the Commonwealth’s attorney for the locality where the violation was committed. The Department does not maintain any records related to complaints that are not Stand By Your Ad complaints. The Commonwealth’s attorney for the locality where the violation was committed is given broad jurisdiction to investigate and prosecute violations of Title 24.2 under § 24.2-1019. It is not the current practice of the Department to take a complaint related to a non-Stand By Your Ad matter and refer it directly to the Commonwealth’s attorney.

Separately, the Department maintains Virginia’s online campaign finance reporting system, COMET. Entities that register with COMET are assigned a reporting schedule based on the entity type. If a registered entity fails to submit a report in a timely manner, and continues to fail to file this report after receiving an email automatically generated and sent by COMET notifying the filer of noncompliance, then COMET automatically generates an email to the appropriate Commonwealth’s Attorney to notify them of the filer’s noncompliance.



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# Campaign Finance Violation Green

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BOARD WORKING PAPERS  
Brooks Braun  
ELECT Policy Analyst



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## Memorandum

**To:** James Alcorn, Chairman; ClaraBelle Wheeler, Vice Chair; Singleton McAllister, Secretary  
**From:** Brooks C. Braun, Policy Analyst  
**Date:** December 16, 2015  
**Re:** Stand by Your Ad Complaint – Committee to Elect Arnika T. Green

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**Executive Summary:** On November 3, 2015, a complaint was filed with the Department of Elections alleging that Arnika T. Green was in violation of Stand by Your Ad. The following memo outlines the Department’s position that Ms. Green is in violation of the law. Since Ms. Green is a first time violator of Stand by Your Ad, the Department would suggest she be fined \$100 per occurrence; or a total of \$100 in this instance.

**Complainants:** Constance Kelly-Rice

**Background:** On November 3, 2015, Ms. Kelly-Rice filed a complaint with the Department of Elections through the “Voter Complaint” portal on its website. On November 6, 2015 she followed up on her complaint by submitting a photograph of a yard sign for Arnika T. Green, candidate for Circuit Court Clerk in Brunswick County, which omitted the necessary disclosures. The complaint and photograph are attached.

### Relevant Statutory and Policy Provisions:

§ 24.2-955 states that “The disclosure requirements of this Chapter [Stand by Your Ad] apply to any sponsor of an advertisement in the print media [...] the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 [the Campaign Finance Disclosure Act].”

§ 24.2-955.1 defines “Advertisement” as “any message appearing in the print media [...] that constitutes an expenditure under Chapter 9.3.”

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



§ 24.2-955.1 defines “Yard sign” as “a sign paid for or distributed by a candidate, [or] campaign committee [...] to be placed on public or private property. Yard signs paid for or distributed prior to July 1, 2015, shall not be subject to the provisions of §§ 24.2-956 and 24.2-956.1.” In its November 16, 2015 meeting the State Board set a practice of placing the burden for proving that yard signs were purchased before July 1, 2015 on the defendant in a hearing held under § 24.2-955.3(D).

§ 24.2-945.1 defines “expenditure” as “money and services of any amount, and any other thing of value, paid [...] by any candidate, [or] campaign committee [...] for the purpose of expressly advocating the election or defeat of a clearly identified candidate.”

§ 24.2-956 requires a print media advertisement sponsored by a candidate committee to “[bear] the legend or includes the statement: ‘Paid for by \_\_\_\_\_ [Name of candidate or campaign committee].’ Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement ‘Paid for by \_\_\_\_\_ [Name of sponsor]’ may be replaced by the statement ‘Authorized by \_\_\_\_\_ [Name of sponsor].’”

§ 24.2-955.3 provides that “Any sponsor violating [the print media requirements] of this chapter shall be subject to (i) a civil penalty not to exceed \$1,000 [...]” In its November 16, 2015 meeting the State Board set a practice of fining on a per occurrence basis for violations of print media requirements. During that same meeting, the Board also set a practice of fining first time violators of Stand by Your Ad \$100 per occurrence.

**Analysis:** The first step in an analysis of a Stand by Your Ad complaint is to determine if the communication at issue falls within the scope of the law requiring disclosures. To do so, § 24.2-955 requires a communication to be an “advertisement” as defined by § 24.2-955.1. The definition of “advertisement” requires the communication be an “expenditure” according to § 24.2-945.1. According to the definition in that section, something is a reportable expenditure only when it is “for the purpose of expressly advocating the election or defeat of a clearly identified candidate.” Therefore, for a communication to fall under the scope of § 24.2-955 it must contain what is known as “express advocacy”. Express advocacy is a term of art which has come to mean any communication containing express words of advocacy of election or defeat, such as “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” “reject,” or some variation thereof. These are the so called “magic words.”

The communication disseminated by the Green campaign contains the magic words “Vote Arnika T. Green” and therefore qualifies as express advocacy. It also appears to be a communication for which the Green Campaign paid something of value and is therefore an



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expenditures under § 24.2-945.1. Furthermore, this communication (yard sign) falls squarely within the definition of print media and therefore qualifies as an advertisement under § 24.2-955.1. Because this communication is an advertisement falling within the scope of the Stand by Your Ad law provided in § 24.2-955, it is required to contain a disclosure statement.

The second step in an analysis of a Stand by Your Ad complaint is to determine whether an advertisement within the scope of that law contains the appropriate disclosure. For an advertisement in print media purchased by a candidate or their campaign committee, the required disclosure is provided in § 24.2-956. The advertisement must include the statement “Paid for by \_\_\_\_\_ [Name of sponsor],” or “Authorized by \_\_\_\_\_ [Name of sponsor]” for an advertisement that mentions no other candidate. Disclosures must be “displayed in a conspicuous manner in a minimum font size of seven point.”

The print media advertisement disseminated by the Green campaign does not contain any disclosure statement indicating who paid for or authorized it.

**Conclusion:** The Green campaign has failed to properly comply with Stand by Your Ad in regards to the print media advertisements at issue.

**Staff Recommendations:** The State Board should find that the Committee to Elect Arnika T. Green has violated the provisions of Stand by Your Ad and should fine her campaign accordingly in an amount not to exceed \$1,000. Since Ms. Green is a first time violator of Stand by Your Ad, the Department would suggest she be fined \$100 per occurrence; or a total of \$100 in this instance.

**Suggested Motion:** “I move that, subject to the Board’s authority under § 24.2-955.3 of the *Code of Virginia*, the Committee to Elect Arnika T. Green has been found to be in violation of the print media disclosure requirements of Stand by Your Ad for the first time and in a single instance and is thereby fined \$100.”

**Authority:** § 24.2-955.3(D) provides that “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” § 24.2-955.3(A) provides that “Any sponsor violating Article 2 [...] of this chapter shall be subject to (i) a civil penalty not to exceed \$1,000.”



## Appendix A: Online Voter Complaint

**From:** [info@elections.virginia.gov](mailto:info@elections.virginia.gov) [info@elections.virginia.gov]  
**Sent:** Thursday, November 12, 2015 1:54 PM  
**To:** Lee, Susan (ELECT); Davis, Matthew (ELECT)  
**Subject:** Voter Complaint: 11/12/2015 1:54:24 PM

### Virginia State Board of Elections On-Line Voter Complaint

**County/City (Required)**

Name: Brunswick  
Code: 025  
Registrar's email: [govote025@brunswickco.com](mailto:govote025@brunswickco.com)

**Precinct:**

**Polling Location:**

**Incident Type:** General Comment

**Date and Time the Incident Happened:** November 3, 2015 All Day

**Description of the Incident (Required):**

On November 3, 2015, the Brunswick County Democratic Committee used the official ballot that had on it the official ballot for the Commonwealth of Virginia --- Official Ballot and blackened the name of the person that the committee selected for the voters to mark on the official ballot. The ballot was on different colors to be passed out to the voters. The second concern is that Amika T. Green's signs did not have on her signs "Authorized or payed for by the candidate or her name? I sent Braun a copy of the sign. Constance Kelly-Rice, Candidate 434-532-9841

**Contact Information**

Name: Constance Kelly-Rice  
Street: N/A  
City: Lawrenceville, Va  
Zip: 23868  
State: VA  
Phone: 434-532-9841  
Email: [ckellyric@hotmail.com](mailto:ckellyric@hotmail.com)

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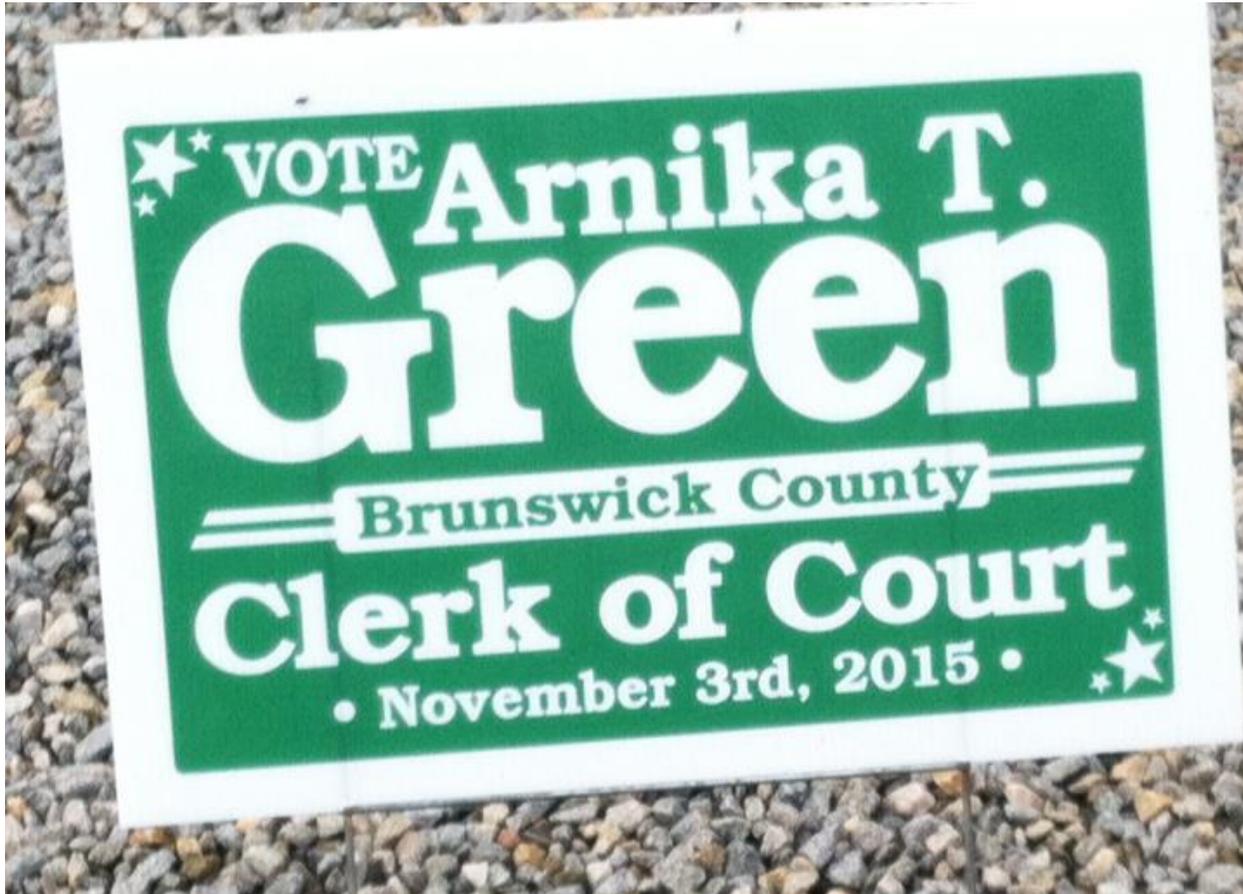
No virus found in this message.

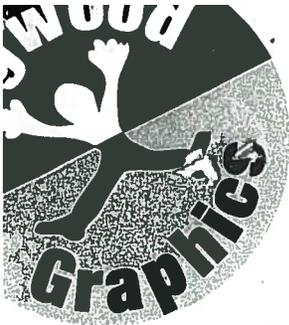
Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2014.0.4842 / Virus Database: 4447/10991 - Release Date: 11/13/15



## Appendix B: Evidence





617 Windsor Street | South Hill, Virginia 23970  
(434) 447-6004 | Fax (434) 447-6130

the *helpful* printers.  
dogwoodgraphics.com



Invoice

No: 54367

Date: 9/15/15

Customer PO:

Arnika Green  
Phone:  
Fax:  
E-Mail

Deliver To:  
Arnika Green

Phone: 434-430-1755

Fax:

E-Mail niknik97@live.com

by: Pick Up - Please Call

**TOTAL**  
Please pay this amount **\$ 17.33**

Quantity	Description	Amount
5	12960: Arnika Green Round PAID FOR Labels, 8.5 x 11 WHITE 60# Pressure Sensitive Labels 48 on round, digitally printed on 1 side Typesetting	\$ 17.09
Taken by: Tracy		SUBTOTAL \$ 17.09
Order Description: 12960: Arnika Green Round PAID FOR Labels		TAX \$ 0.24
		SHIPPING \$ 0.00
		DEPOSITS \$ 0.00
		TOTAL \$ 17.33
		AMOUNT DUE \$ 17.33

107.3

Dogwood Graphics, Inc.  
617 Windsor Street  
South Hill, Virginia 23970  
Phone: 434-447-6004  
Fax: 434-447-6130

4:50 PM 9/15/15

Arnika Green 17.09  
INV #54367 17.09  
Card Type VISA  
Acct#  
Name  
Approval# b111-3  
Reference#  
Swipe/Manual Manual  
User Tracv  
Payment - Visa (ref #b111-3) 17.33

Sub Total: 17.09

Total: 17.33

Tendered: 17.33

Change: 0.00

X

Top Copy Merchant, Bottom Copy  
Customer

Visit our website at  
[www.dogwoodgraphics.com](http://www.dogwoodgraphics.com)  
Thank you!

2 of 3

1000000 10/15/15 11  
10/15/15 11:15:10  
30000 115 10/15/15  
400 11 1000  
30000 115 10/15/15

Merchant ID: 00000000000000000000

Sale

XXXXXXXXXX5877

VISA Entry Method: Swiped

Total: \$ 17.33

09/15/15 16:50:10

Inv #: 000000 HPP Code: 015519

Transaction ID: 305258750105740

Approved: Online Batch#: 000111

Thank you!

THANK YOU





617 Windsor Street | South Hill, Virginia 23970  
 (434) 447-6004 | Fax (434) 447-6130

the *helpful* printers.  
 dogwoodgraphics.com

**Invoice** **CELEBRATING 25 YEARS**  
 1990-2015

No: **54417**

Date: **9/22/15**

Customer PO:

Arnika Green  
 Phone:  
 Fax:  
 E-Mail

**Deliver To:**  
 Arnika Green

by: Pick Up - Please Call

Phone: 434-430-1755  
 Fax:  
 E-Mail niknik97@live.com

**TOTAL**  
 Please pay this amount **\$ 0.00**

Quantity	Description	Amount
200	12960: Arnika Green Rack Cards, 3.5 x 8.5 WHITE 12# Atlantic C2S, digitally printed on 2 sides, 6 Up Image Production file Run to finish cut	\$ 58.97
2	12960: Arnika Green Round PAID FOR Labels, 8.5 x 11 WHITE 60# Pressure Sensitive Labels 48 on round, digitally printed on 1 side	\$ 1.84
Taken by: Tracy  <b>Order Description:</b> 12960: Arnika Green Rack Cards		SUBTOTAL \$ 60.81 TAX \$ 3.22 SHIPPING \$ 0.00 DEPOSITS \$ 0.00 TOTAL \$ 64.03 AMOUNT DUE \$ 0.00

1057

Dogwood Graphics, Inc.  
617 Windsor Street  
South Hill, Virginia 23970  
Phone: 434-447-6004  
Fax: 434-447-6130

4:47 PM 9/22/15

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Arnika Green	
INV #54417	60.81
Payment - CASH	100.03
<hr/>	
Sub Total:	60.81
Total:	64.03
Tendered:	100.03
Change:	36.00

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Visit our website at  
[www.dogwoodgraphics.com](http://www.dogwoodgraphics.com)  
Thank you!

2 of 2



617 Windsor Street | South Hill, Virginia 23970  
(434) 447-6004 | Fax (434) 447-6130

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dogwoodgraphics.com



**Invoice**

No: **54238**

Date: 9/23/15

Customer PO:

- Arnika Green
- Phone:
- Fax:
- E-Mail

**Deliver To:**

Arnika Green

by: Pick Up - Please Call

Phone: 434-430-1755

Fax:

E-Mail niknik97@live.com

**TOTAL**  
Please pay this amount **\$ 340.54**

Quantity	Description	Amount
100	12960: Arnika Green Yards Signs ONE COLOR , 12 x 18" Yard Signs ONE COLOR TWO SIDES Includes stands  Composition Match to rack card but NO PICTURE  <i>Pd Cash @</i>	\$ 538.87
Taken by: Tracy		SUBTOTAL \$ 538.87
Order Description: 12960: Arnika Green Yard Signs		TAX \$ 27.41
		SHIPPING \$ 74.26
		DEPOSITS \$ 300.00
		TOTAL \$ 640.54
		AMOUNT DUE \$ 340.54

Dogwood Graphics Inc.  
617 Windsor Street  
South Hill, Virginia 23970  
Phone: 434-447-6004  
Fax: 434-447-6130

3:26 PM

9/3/15

Arnika Green	
INV #54238	300.00
DEPOSIT - CASH	0.00

Total Due: 300.00

Visit our website at  
[www.dogwoodgraphics.com](http://www.dogwoodgraphics.com)  
Thank you!

Dogwood Graphics, Inc.  
617 Windsor Street  
South Hill, Virginia 23970  
Phone: 434-447-6004  
Fax: 434-447-6130

4:53 PM 9/23/15

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Arnika Green	
INV #54238	328.23
Payment - CASH	340.54

---

Sub Total:	328.23
Total:	340.54
Tendered:	340.54
Change:	0.00

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Visit our website at  
[www.dogwoodgraphics.com](http://www.dogwoodgraphics.com)  
Thank you!



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# Campaign Finance Violation Phillips

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BOARD WORKING PAPERS  
Brooks Braun  
ELECT Policy Analyst



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## Memorandum

**To:** James Alcorn, Chairman; ClaraBelle Wheeler, Vice Chair; Singleton McAllister, Secretary  
**From:** Brooks C. Braun, Policy Analyst  
**Date:** December 16, 2015  
**Re:** Stand by Your Ad Complaint – Georgette Phillips for Commonwealth’s Attorney

---

**Executive Summary:** David Lyons and Russell Stephenson submitted complaints to the Department of Elections alleging that Georgette Phillips for Commonwealth’s Attorney had published a newspaper advertisement without a disclosure statement. The Department recommends a fine of \$100.

**Complainants:** David Lyons and Russell Stephenson

**Background:** On Monday September 14, 2015 Mr. Lyons and Mr. Stephenson emailed the Department of Elections photographic evidence that alleged Georgette Phillips for Commonwealth’s Attorney was in violation of Virginia campaign finance law. They specifically mentioned a joint advertisement in the Smithfield Times with Mark Marshall that ran on September 8th, 2015, which omitted the required disclosures. Emails and photos are attached.

### Relevant Statutory and Policy Provisions:

§ 24.2-955 states that “The disclosure requirements of this Chapter [Stand by Your Ad] apply to any sponsor of an advertisement in the print media [...] the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 [the Campaign Finance Disclosure Act].”

§ 24.2-955.1 defines “Advertisement” as “any message appearing in the print media [...] that constitutes an expenditure under Chapter 9.3.”

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

§ 24.2-945.1 defines “expenditure” as “money and services of any amount, and any other thing of value, paid [...] by any candidate, [or] campaign committee [...] for the purpose of expressly advocating the election or defeat of a clearly identified candidate.”

§ 24.2-956 requires a print media advertisement sponsored by a candidate committee to “[bear] the legend or includes the statement: ‘Paid for by \_\_\_\_\_ [Name of candidate or campaign committee].’ Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement



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makes no reference to any other clearly identified candidate, then the statement ‘Paid for by \_\_\_\_\_ [Name of sponsor]’ may be replaced by the statement ‘Authorized by \_\_\_\_\_ [Name of sponsor].’”

§ 24.2-955.3 provides that “Any sponsor violating [the print media requirements] of this chapter shall be subject to (i) a civil penalty not to exceed \$1,000.” In its November 16, 2015 meeting the State Board set a practice of fining on a per occurrence basis for violations of print media requirements. During that same meeting, the Board also set a practice of fining first time violators of Stand by Your Ad \$100 per occurrence.

**Analysis:** The first step in an analysis of a Stand by Your Ad complaint is to determine if the communication at issue falls within the scope of the law requiring disclosures. To do so, § 24.2-955 requires a communication to be an “advertisement” as defined by § 24.2-955.1. The definition of “advertisement” requires the communication be an “expenditure” according to § 24.2-945.1. According to the definition in that section, something is a reportable expenditure only when it is “for the purpose of expressly advocating the election or defeat of a clearly identified candidate.” Therefore, for a communication to fall under the scope of § 24.2-955 it must contain what is known as “express advocacy.” Express advocacy is a term of art which includes any communication containing express words of advocacy of election or defeat, such as “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” “reject,” or some variation thereof. These are the so called “magic words.”

The communication put out by the Phillips campaign contains the magic words asking voters to “re-elect” Georgette Phillips and therefore qualifies as express advocacy. It also appears to be a communication for which the Phillips campaign paid something of value and is therefore an expenditure under § 24.2-945.1. Furthermore, this communication, a message in a newspaper, falls squarely within the definition of print media and therefore qualifies as an advertisement under § 24.2-955.1. Because this communication is an advertisement falling within the scope of the Stand by Your Ad law provided in § 24.2-955, it is required to contain a disclosure statement.

The second step in an analysis of a Stand by Your Ad complaint is to determine whether an advertisement within the scope of that law contains the appropriate disclosure. For an advertisement in print media purchased by a candidate or their campaign committee, the required disclosure is provided in § 24.2-956. The advertisement must include the statement “Paid for by \_\_\_\_\_ [Name of sponsor],” or “Authorized by \_\_\_\_\_ [Name of sponsor]” for an advertisement that mentions no other candidate. Disclosures must be “displayed in a conspicuous manner in a minimum font size of seven point.”

The print media advertisement put out by the Phillips campaign does not seem to contain any disclosure statements indicating who paid for or authorized it.

**Conclusion:** Georgette Phillips for Commonwealth’s Attorney has failed to properly comply with Stand by Your Ad in regards to the print media advertisement at issue.



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**Staff Recommendations:** The State Board should find that Georgette Phillips for Commonwealth’s Attorney has violated the provisions of Stand by Your Ad and should fine the campaign accordingly in an amount not to exceed \$1,000. Since Ms. Phillips is a first time violator of Stand by Your Ad, the Department would suggest she be fined \$100 per occurrence; or a total of \$100 in this instance.

**Suggested Motion:** “I move that, subject to the Board’s authority under § 24.2-955.3 of the *Code of Virginia*, Georgette Phillips for Commonwealth’s Attorney has been found to be in violation of the print media disclosure requirements of Stand by Your Ad for the first time and in a single instance and is thereby fined \$100.”

**Authority:** § 24.2-955.3(D) provides that “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” § 24.2-955.3(A) provides that “Any sponsor violating Article 2 [...] of this chapter shall be subject to (i) a civil penalty not to exceed \$1,000.”



## Appendix A: Emails

From: David Lyons <varadarcop@aol.com> Sent: Mon 9/14/2015 12:39 PM  
To: Braun, Brooks (ELECT)  
Cc:  
Subject: RE: Ad violation

Message V\_\_9D4D.jpg (671 KB) V\_\_4F8A.jpg (566 KB)

Here are two photos. Thank you. Will send another shortly.

---

**From:** [Braun, Brooks \(ELECT\)](#)  
**Sent:** 9/14/2015 10:53 AM  
**To:** 'David Lyons'  
**Subject:** RE: Ad violation

Mr. Lyons,

Thank you for your e-mail. If you wish this violation to go before the State Board for adjudication please send some photographic evidence of the advertisement in question. You can send it to me either at this e-mail address or at the address provided below in my signature. If you have any further questions, please feel free to contact me. I'm happy to help.

Sincerely,

*Brooks C. Braun, Esq.*  
Policy Analyst  
Virginia Department of Elections  
1100 Bank Street  
Richmond, VA 23219  
Direct: 804.864.8924  
Toll free: 800.552.9745 ext. 8924

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

**Disclaimer:** This message is not legal advice, nor a binding statement of official policy. It is intended only for the use of the name addressee(s). Any other use is prohibited. If you received this message in error, please call me and delete the message and any attachments without forwarding, copying or otherwise disclosing them. Thank you.

---

**From:** David Lyons [<mailto:varadarcop@aol.com>]  
**Sent:** Monday, September 14, 2015 10:43 AM  
**To:** Braun, Brooks (ELECT)  
**Subject:** Ad violation

Dear sir,  
I wanted to advise you of an ad violation.  
Recently a special edition in Smithfield Times featured Mark Marshall and Georgette Phillips together, he is running for sheriff, she for Commonwealth attorney. There was no "authorized by" disclaimer in the ad. This is in Isle of Wight County.

Sincerely  
Dave Lyons  
346 s church st  
Smithfield Va



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STATE BOARD *of* ELECTIONS

Follow up. Start by Monday, September 14, 2015. Due by Monday, September 14, 2015.

From: David Lyons <varadarcop@aol.com> Sent: Mon 9/14/2015 1:09 PM  
To: Braun, Brooks (ELECT)  
Cc:  
Subject: RE: Ad violation

Message V\_\_E277.jpg (487 KB) V\_\_A0F9.jpg (503 KB)

Additional photos, from the ad paper.

Dave Lyons  
7576854719

Follow up. Start by Monday, September 14, 2015. Due by Monday, September 14, 2015.  
You replied to this message on 9/14/2015 2:19 PM.

From: Russell Stephenson <j.russell.stephenson@gmail.com> Sent: Mon 9/14/2015 1:26 PM  
To: Braun, Brooks (ELECT)  
Cc:  
Subject: Fwd: Advertisement Violation?

Message 20150914\_074615[1].jpg (7 MB) 20150914\_074542[1].jpg (7 MB)

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

From: **Russell Stephenson** <[j.russell.stephenson@gmail.com](mailto:j.russell.stephenson@gmail.com)>  
Date: Mon, Sep 14, 2015 at 8:00 AM  
Subject: Advertisement Violation?  
To: [info@elections.virginia.gov](mailto:info@elections.virginia.gov)

To Whom It May Concern,

It appears that two candidates, Mark A. Marshall and Georgette Phillips, running for office in Isle of Wight County has violated the political advertisement rule by not stating who paid or authorized the ad in a paper that was mailed to all 15,000+ county residences. I have attached pictures of the ad to this email for your review. I appreciate you handling this matter and look forward to your reply.

Sincerely,

J. Russell Stephenson  
Russell Stephenson for Sheriff



## Appendix B: Evidence

### Exhibit A: Newspaper Advertisement

Page 14 The Smithfield Times Wednesday, Sept. 9, 2015

# Come Meet Isle of Wight's Crime Fighting TEAM!



Sheriff Mark Marshall and Commonwealth's Attorney Georgette Phillips will be at the County Fair ready to meet and greet you! Come on by and say "Hi!" And don't forget to VOTE experience and progress on November 3rd.

★★ SHERIFF MARSHALL	COMMONWEALTH'S ATTORNEY GEORGETTE PHILLIPS ★★
<ul style="list-style-type: none"><li>• 30 yrs. law enforcement experience</li><li>• Led sheriff's office through the accreditation process</li><li>• Practiced fiscal responsibility and returned tens of thousands of tax payer dollars</li><li>• Over 90% school safety rating</li><li>• Graduate of FBI National Academy</li><li>• Former President of International Association of Chiefs of Police</li><li>• Masters in Public Administration from ODU</li><li>• initiated the first use of SRO's in Isle of Wight</li></ul>	<ul style="list-style-type: none"><li>• Graduate of William &amp; Mary School of Law</li><li>• 14 years career prosecutor</li><li>• Nationally recognized for her work with welfare fraud</li><li>• Served as a Special Prosecutor for various localities</li><li>• Unanimously endorsed by the IOW Bar Association</li><li>• Endorsed by her fellow Commonwealth's Attorneys</li><li>• Endorsed by Circuit Court Clerk</li><li>• Endorsed by Sheriff Marshall &amp; Supported by our local law enforcement officers</li></ul>

★★ Re-elect Sheriff Marshall & ★★  
Elect Commonwealth's Attorney  
★★ Georgette Phillips ★★



Georgette Cross Phillips  
“Georgette Phillips for Commonwealth’s Attorney”  
1014 Whippingham Parkway  
Carrollton, Virginia 23314  
(757) 390-6802

November 12, 2015

The State Board of Elections  
Via: Email Only

Dear Sirs and Madams:

I am in receipt of your letter dated November 6 regarding a complaint about a possible violation of the Campaign Finance Disclosure Act and the hearing scheduled for Monday, November 16. I would like to attend and present my case, however I will be out of state from November 13 until November 22. Therefore I would request a continuance of the hearing. If a continuance cannot be granted, then I would ask that you please review the following information as it pertains to the complaint.

In early September 2015, an advertisement ran in the Smithfield Times Fair Tab featuring both Sheriff Mark Marshall and Commonwealth’s Attorney Georgette Phillips. This advertisement did not contain the required disclosure statement. The omission of the disclosure on this advertisement was not intentional. Prior to publication I was provided with a copy of the proposed advertisement for review and I missed the omission of the disclosure. It was my responsibility to ensure that the advertisement contained the necessary disclosure and I take full responsibility for its omission. I should have caught the omission during the review but unfortunately I did not. I was not aware of the omission until a complaint was made to the Smithfield Times and brought to my attention. Furthermore neither Sheriff Mark Marshall nor the Smithfield Times’ Editor or advertising staff caught the disclosure omission prior to publication. (Please see Smithfield Times article as enclosed). This advertisement only ran the one time. All additional advertisements in the newspaper for my campaign complied with the statute and contained the disclosure. All yard signs, both small and large, for my campaign complied with the statute and contained the disclosure. These signs were purchased and disseminated prior to the advertisement in question.

Based on this information, I would request that the Board withhold making a finding at this time and take the matter under advisement for a period of time and if there are no further violations that the Board would dismiss the matter. However if the Board does make a finding of a violation, I

would request that the Board either suspend the imposition of a penalty or impose a small penalty.

Thank you for your consideration. I would be happy to provide the Board with any additional information that would assist you in making your decision.

Sincerely,

Georgette C. Phillips

## Enclosure #1: Smithfield Times Article as published on September 30, 2015

Local candidates find a batch of minor issues to debate

By Diana McFarland News editor

Missing authorizations, sign placement, fair booth locations and anonymous phone calls are just a few of the dust-ups so far leading up to the November general election in Isle of Wight and Surry counties. Some candidates allege their opponents, or those acting for them, are breaking the law while another candidate is concerned with the separation of church and state. Isle of Wight Sheriff's candidate J. Russell Stephenson took issue with an advertisement, as well as signs, placed by his opponent, incumbent Sheriff Mark Marshall. In Marshall's joint ad with Commonwealth's Attorney Georgette Phillips in The Smithfield Times fair tab, the advertisement failed to include Marshall or Phillips' authorization. While a violation, if reported, could result in a \$50 - \$100 fine, Stephenson felt there was a greater issue at play. "Why would we, as a law enforcement person, violate Virginia state law," Stephenson said, adding that many of Marshall's signs also lack that authorization. Marshall apologized for the omission and said, "The legal tagline of "authorized by" was an inadvertent omission that we didn't catch at the time when we reviewed the proof. I take responsibility for missing it. I don't have the luxury of campaigning full-time, because I am busy fighting crime and keeping citizens safe here in Isle of Wight County." Smithfield Times Editor and Publisher John Edwards also took responsibility for the lack of authorization statement that was not caught by himself or the advertising staff of the paper. As for yard signs, Stephenson said his signs did not require an authorization because he purchased them before July 1. According to a new state law, campaign yard signs purchased and disseminated before July 1 do not need an authorization. Those purchased or disseminated after July 1 do require the authorization. A check of Stephenson's financial disclosure documents state that he paid out \$1,502.62 on June 9 to Dirt Cheap Signs for yard signs. Stephenson has noted that some of Marshall's larger signs contain the authorization and some do not. "All candidates for office with the exception of Georgette Phillips, have some signs that are missing the "authorized by" including my opponents. I have ordered stickers for ours and they are being affixed as we speak. I have not complained about it or some of the right-a-way violations • See SQUABBLES, p. 6



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STATE BOARD *of* ELECTIONS

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# Campaign Finance Violation Van Fleet

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BOARD WORKING PAPERS  
Brooks Braun  
ELECT Policy Analyst



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## Memorandum

**To:** James Alcorn, Chairman; ClaraBelle Wheeler, Vice Chair; Singleton McAllister, Secretary  
**From:** Brooks C. Braun, Policy Analyst  
**Date:** December 16, 2015  
**Re:** Stand by Your Ad Complaint – Van Fleet for Alexandria Council

---

**Executive Summary:** Larry Altenburg and Holly Wallace submitted complaints to the Department of Elections alleging that Van Fleet for Alexandria Council had published newspaper advertisements and disseminated print media through the mail without disclosure statements. The Department recommends a fine of \$400.

**Complainants:** Larry Altenburg and Holly Wallace

**Background:** On Wednesday, September 30, 2015 Mr. Altenburg and Ms. Wallace emailed the Department photographic evidence that alleged Van Fleet for Alexandria Council was in violation of Virginia campaign finance law. They specifically mentioned a mailer that was disseminated to potential voters in Alexandria, which omitted the required disclosures. On October 1, 9, and 15, 2015, Ms. Wallace emailed the Department PDF copies of the Alexandria Times that, on three separate publication dates, contained advertisements for Mr. Van Fleet, which omitted the necessary disclosures. Emails and photos are attached.

### Relevant Statutory and Policy Provisions:

§ 24.2-955 states that “The disclosure requirements of this Chapter [Stand by Your Ad] apply to any sponsor of an advertisement in the print media [...] the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 [the Campaign Finance Disclosure Act].”

§ 24.2-955.1 defines “Advertisement” as “any message appearing in the print media [...] that constitutes an expenditure under Chapter 9.3.”

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



§ 24.2-945.1 defines “expenditure” as “money and services of any amount, and any other thing of value, paid [...] by any candidate, [or] campaign committee [...] for the purpose of expressly advocating the election or defeat of a clearly identified candidate.”

§ 24.2-956 requires a print media advertisement sponsored by a candidate committee to “[bear] the legend or includes the statement: ‘Paid for by \_\_\_\_\_ [Name of candidate or campaign committee].’ Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement ‘Paid for by \_\_\_\_\_ [Name of sponsor]’ may be replaced by the statement ‘Authorized by \_\_\_\_\_ [Name of sponsor].’”

§ 24.2-955.3 provides that “Any sponsor violating [the print media requirements] of this chapter shall be subject to (i) a civil penalty not to exceed \$1,000.” In its November 16, 2015 meeting the State Board set a practice of fining on a per occurrence basis for violations of print media requirements. During that same meeting, the Board also set a practice of fining first time violators of Stand by Your Ad \$100 per occurrence.

**Analysis:** The first step in an analysis of a Stand by Your Ad complaint is to determine if the communication at issue falls within the scope of the law requiring disclosures. To do so, § 24.2-955 requires a communication to be an “advertisement” as defined by § 24.2-955.1. The definition of “advertisement” requires the communication be an “expenditure” according to § 24.2-945.1. According to the definition in that section, something is a reportable expenditure only when it is “for the purpose of expressly advocating the election or defeat of a clearly identified candidate.” Therefore, for a communication to fall under the scope of § 24.2-955 it must contain what is known as “express advocacy.” Express advocacy is a term of art which includes any communication containing express words of advocacy of election or defeat, such as “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” “reject,” or some variation thereof. These are the so called “magic words.”

The communications put out by the Van Fleet campaign contain the magic words asking voters to “vote for” Van Fleet and therefore qualify as express advocacy. They also appear to be communications for which the Van Fleet campaign paid something of value and are therefore expenditures under § 24.2-945.1. Furthermore, these communications (printed material sent through the mail and messages in a newspaper) fall squarely within the definition of print media and therefore qualify as advertisements under § 24.2-955.1. Because these communications are advertisements falling within the scope of the Stand by Your Ad law provided in § 24.2-955, they are required to contain disclosure statements.



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STATE BOARD *of* ELECTIONS

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The second step in an analysis of a Stand by Your Ad complaint is to determine whether an advertisement within the scope of that law contains the appropriate disclosure. For an advertisement in print media purchased by a candidate or their campaign committee, the required disclosure is provided in § 24.2-956. The advertisement must include the statement “Paid for by \_\_\_\_\_ [Name of sponsor],” or “Authorized by \_\_\_\_\_ [Name of sponsor]” for an advertisement that mentions no other candidate. Disclosures must be “displayed in a conspicuous manner in a minimum font size of seven point.”

The print media advertisements put out by the Van Fleet campaign do not seem to contain any disclosure statements indicating who paid for or authorized them.

**Conclusion:** Van Fleet for Alexandria Council has failed to properly comply with Stand by Your Ad in regards to the print media advertisements at issue.

**Staff Recommendations:** The State Board should find that Van Fleet for Alexandria Council has violated the provisions of Stand by Your Ad and should fine the campaign accordingly in an amount not to exceed \$1,000. Since Mr. Van Fleet is a first time violator of Stand by Your Ad, the Department would suggest he be fined \$100 per occurrence; or a total of \$400 in this instance.

**Suggested Motion:** “I move that, subject to the Board’s authority under § 24.2-955.3 of the *Code of Virginia*, Van Fleet for Alexandria Council has been found to be in violation of the print media disclosure requirements of Stand by Your Ad for the first time and on four separate instances and is thereby fined \$400.”

**Authority:** § 24.2-955.3(D) provides that “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” § 24.2-955.3(A) provides that “Any sponsor violating Article 2 [...] of this chapter shall be subject to (i) a civil penalty not to exceed \$1,000.”



## Appendix A: Emails

Follow up. Start by Wednesday, September 30, 2015. Due by Wednesday, September 30, 2015.

From: SBE-CFDA, rr (ELECT) Sent: Wed 9/30/2015 5:01 PM  
To: Braun, Brooks (ELECT)  
Cc:  
Subject: FW: Campaign finance violation

Message lma wf solicitation.pdf (242 KB)

NOTICE: This message may summarize laws, regulations and policies. It is not legal advice, nor a binding statement of official policy. Furthermore, this message and any responses sent to this email address may be subject to public disclosure under FOIA.

**From:** Larry Altenburg [<mailto:laltenburg@gmail.com>]  
**Sent:** Wednesday, September 30, 2015 9:59 AM  
**To:** SBE-CFDA, rr (ELECT)  
**Subject:** Re: Campaign finance violation

I forgot the attachment...

On Wed, Sep 30, 2015 at 9:58 AM, Larry Altenburg <[laltenburg@gmail.com](mailto:laltenburg@gmail.com)> wrote:  
I would like to report a campaign finance violation committed by Townsend Van Fleet, candidate for Alexandria City Council. I received the attached solicitation from him in the mail without a return address, and noticed several items of concern.

The ethics of offering a "scholarship" for a high school campaign worker aside, I was surprised that his solicitation was not marked with the required "Paid for and approved by..." statement. It is not clear that he fully understands the campaign finance laws in Virginia.

Thank you for looking into this.

--

**Larry Altenburg**  
[about.me/laltenburg](http://about.me/laltenburg)

From: Holly Wallace <[hjw@radixii.com](mailto:hjw@radixii.com)> Sent: Thu 10/1/2015 5:17 PM  
To: Braun, Brooks (ELECT)  
Cc:  
Subject: Campaign Advertising Violation -- Alexandria city Complaints # 6, 7, 8

Message 10\_01\_2015-Alex\_Times\_FinalWeb pages 13 -14-15.zip (13 MB)

Mr. Braun,

I understand from Mr. Cortez that you are in charge of campaign advertising violations.

The attached Alexandria Times contains three advertisements from Alexandria City Council candidates with no authorization or "paid by" lines.

Page 13 – Bob Wood  
Page 14 – Townsend Van Fleet  
Page 15 – Monique Miles

Thank you.

-----  
Holly Wallace  
Vice Chair Finance and Administration  
Alexandria Democratic Committee  
703-969-0591



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STATE BOARD *of* ELECTIONS

From: Holly Wallace <hjwt@radixii.com> Sent: Thu 10/1/2015 5:34 PM  
To: Braun, Brooks (ELECT)  
Cc:  
Subject: Campaign Advertising Violation -- Alexandria city Complaints # 9

Message Van Fleet solicitation.pdf (243 KB)

Mr. Braun,

Attached is yet another campaign piece from Townsend Ban Fleet with no authorization or paid for information. This letter was apparently sent to veterans in the City of Alexandria in an envelope without a return address.

Thank you.

-----

Holly Wallace  
Vice Chair Finance and Administration  
Alexandria Democratic Committee  
703-969-0591

From: Holly Wallace <hjwt@radixii.com> Sent: Fri 10/9/2015 3:07 PM  
To: Braun, Brooks (ELECT)  
Cc:  
Subject: Campaign Advertising Violation -- Alexandria city Complaints # 10 and 11 and 12

Message 10\_08\_2015-Alex\_Times\_Final-Web Pages 5-9-10.pdf (8 MB)

Mr. Braun,

Attached are further instances of lack of authorization lines in an Alexandria City Council candidates advertising:

Alexandria Times 10-8-15:  
Monique Miles Page 5  
Bob Wood Page 9  
Townsend Van Fleet Page 10

Thank you.

-----

Holly Wallace  
Vice Chair Finance and Administration  
Alexandria Democratic Committee  
703-969-0591

From: Holly Wallace <hjwt@radixii.com> Sent: Thu 10/15/2015 2:56 PM  
To: Braun, Brooks (ELECT)  
Cc:  
Subject: FW: Campaign Advertising Violation -- Alexandria city Complaints # 13,14,15

Message 10\_15\_2015-Alex\_Times\_Final-Web.pdf (8 MB)

Mr. Braun,

Attached are further instances of lack of authorization lines in an Alexandria City Council candidates advertising:

Alexandria Times 10-15-15:  
Monique Miles Ad, Page 10  
Bob Wood, Page 13  
Townsend Van Fleet, Page 17

Thank you.

-----

Holly Wallace  
Vice Chair Finance and Administration  
Alexandria Democratic Committee  
703-969-0591



## Appendix B: Evidence

### Exhibit A: Flyer

Dear Fellow Alexandria Veteran:

Please allow me to introduce myself, my name is Townsend A. ("Van") Van Fleet. I am running in the 3 November 2015 City Council election here in Alexandria. I need your help. We veterans are not well-served by our current local government. We need someone who understands the issues we face to represent us.

As a 23-year Army veteran and a Vietnam Vet, as such, I feel that I am particularly well-positioned to understand and address the issues confronting veterans like ourselves. In addition, to the bond we share from having served our country with honor, we as a group possess a positive, "can do," attitude. If elected, I will bring that "Can Do" mentality and military understanding of how to tackle difficult challenges to our City government.

As a military man, I have great respect for tradition, values, and the historic nature of our great nation. Some of you may not know that the City of Alexandria played a pivotal role in the formation of our country. Our Founding Fathers gathered here, ate, drank here, and even formulated their battle plans around the tables at Gadsby's Tavern. Ultimately, two wars flowed through this great City: the American Revolution and the Civil War.

I have been a resident of Alexandria for the past 30 years. During that time, I have seen this City grow, battle all types of issues, and develop at an alarming pace. Under the pressure of unrestrained development, our precious green space is rapidly disappearing. I have experienced both the positive and negative effects of this growth.

In recent years, Alexandria's City Council has put our community into debt of substantial proportions--\$526 million, with a yearly debt service of at least \$66 million. This figure increases to \$80 million if you include the \$14 million additional debt that will result if Council approves the construction of a new Metro station in Potomac Yard. And they have done this while increasing our property taxes by 23 cents per \$100.00 of assessed value during the past ten years alone! Council members have failed to reconcile the imbalance of expenditures and revenues such that 'the Council' has overspent City revenues for the past eight years consecutively!

This fiscal dilemma--and the fact that City Council has steadfastly refused to pay attention to the needs and desires of its citizens in almost every neighborhood within the City have been major factors in my decision to stand as a candidate for election to the Council. I need your help and support to win this election. There are many ways you can help. Please visit my website, [www.vanisyourman.com](http://www.vanisyourman.com), to learn more about me, my positions on the issues facing our great City, and ways you can assist my campaign.



★ VIRGINIA ★  
STATE BOARD of ELECTIONS

I respectfully ask for your help to bring responsible and responsive government back to Alexandria, and I ask for 'Your Vote' on 3 November 2015. Together we can make a difference.

Sincerely,

Townsend A. ("Van") Van Fleet.

**HOW YOU CAN SUPPORT 'VAN' VAN FLEET**

Please Tear off and return in the pre-paid addressed envelope provided

**DONATE:**

Thank you for your Generosity, every contribution makes a BIG Difference!

\$25.00     \$50.00     \$100.00     \$250.00

\$500.00     \_\_\_\_\_ Your Amount

Checks can be made to: **Van Fleet for Alex. City Council**

**VOLUNTEER or JOIN** in our **EVENTS**: We'll keep you up to date on 'What's Going On' in the Van Fleet Campaign:

Name \_\_\_\_\_ Phone \_\_\_\_\_

Email: \_\_\_\_\_

**VAN FLEET 2015 Government Scholarship Competition is about to Begin --**

1<sup>st</sup> Place \$1000.00; 2<sup>nd</sup> & 3<sup>rd</sup> \$500.00 each

NOTICE to Parents and **High School Junior or Senior Students** residing in the City of Alexandria. **VAN FLEET 2015 Scholarship Competition** starts Friday, SEP 18<sup>th</sup>, 2015. Students and a parent/guardian must attend the Kick-Off Ceremony at The Chinquapin Recreation Center on Friday, 18 SEP from 6-8 PM. to apply, sign forms and the competition begins that night. Please see the VAN FLEET Scholarship ad running in the *Alexandria Times* and *Gazette Packet* for more details.

**Many Thanks to my fellow Veterans -- Please Vote 'VAN' VAN FLEET on 3 NOV 2015!**

**IT'S A TIME FOR CHANGE ~ And We Need Your VOTE**



Exhibit B: Newspaper Advertisements

14 OCTOBER 1, 2015
ALEXANDRIA TIMES

SPORTS

# Keeping up the pressure



PHOTOGRAPH BY MIKE

**Titans field hockey looks to stay focused in midst of hot streak**  
*BY CHRIS TRALE*

For all their dominance Monday night at home against Annandale, the T.C. Williams field hockey team was only ahead 1-0 at halftime on a goal from senior forward Mimi Hyre, and the players knew they needed more to put the game out of reach.

The Titans had plenty of opportunities in the first period, but the break proved crucial, as they tallied additional goals from Claire Bilodeau and Alex Milliken within five minutes of the restart. The eventual 3-0 win over the Atrons extended T.C.'s winning streak to six games, prior to their away game against West Potomac on Wednesday evening, played after the Times' print deadline.

And in spite of a slow start, where the hosts dominated but could not convert their chances, the Titans were delighted to keep their run going.

"I thought we played really well, especially in the second half," Milliken said. "We had a lot of shots on goal, [and]

we didn't let them get a corner whatsoever. I was happy with how the team played. We were talking a lot, had a lot of good passing combinations and, overall, I thought we gelled and were dominating the whole time."

The win improved the Titans' record this season to 10-1, with their only loss coming away against Herndon in late August. Head coach William Horesniak attributes their success to having a deep roster that has managed to cope with injuries to key players.

"It's great when I've got people coming in off the bench and filling in spots and whatnot, even with a couple of injuries that we have," he said. "I don't have two starters right now, who are normally on my starting roster, so even with them being injured we're still solid, which, as a coaching staff, you couldn't ask for more."

From the players' perspective, it has been an exciting time to be involved in the program. The Titans look like a real force in the Patriot Conference and have conceded just two goals all

Titans head coach William Horesniak addresses his players at halftime against Annandale Monday night. T.C. beat the Atrons 3-0 on goals from Mimi Hyre, Claire Bilodeau and Alex Milliken.

You're Invited



PLEASE JOIN US FOR AN EDUCATIONAL EVENT.

Hear from an MS expert and learn about an oral treatment option for relapsing MS.

<p><b>Date and Time:</b> Monday, 10/05/2015 at 6:00 PM</p> <p><b>Speaker:</b> Erika Mitchell, NP</p>	<p><b>Location:</b> Magliano's Little Italy 2001 International Drive McLean, VA 22102</p> <p><b>Event code:</b> TR312913 (1254821)</p>
--	--

PLEASE RSVP:

- MultipleSclerosisEvents.com
- 1-866-703-6293
- GenzymePatientRSVP@ahmdirect.com

Registration is limited to two people per RSVP.  
Photo ID may be requested at event entrance.  
Complimentary parking or valet available.

Sponsored by:



A SANOFI COMPANY

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+VOTE FOR
2015

## "VAN" VAN FLEET

FOR ALEXANDRIA CITY COUNCIL



**VAN WANTS TO:**

- ◆ Restore Citizens' Faith in City Council
- ◆ Enhance Alexandria City Public Schools
- ◆ Support Historic Preservation and Consistent Growth
- ◆ Decrease Your Taxes & Increase City Revenues

www.vanisyourman.com



**+VOTE FOR 2015**  
**“VAN” VAN FLEET**  
FOR ALEXANDRIA CITY COUNCIL



**VAN WANTS TO:**

- ◆ Restore Citizens' Faith in City Council
- ◆ Enhance Alexandria City Public Schools
- ◆ Support Historic Preservation and Consistent Growth
- ◆ Decrease Your Taxes & Increase City Revenues

[www.vanisyourman.com](http://www.vanisyourman.com)




**Getting Rid of Your Old Fridge Couldn't be Easier.**  
We'll pick up and recycle your old working refrigerator or freezer for free and you'll get \$50.

For a free pickup from JACO Environmental  
**844-685-7462**  
[dom.com/appliancerecycling](http://dom.com/appliancerecycling)

**Get \$50**

Dominion Virginia Power contracts with JACO Environmental, an appliance recycler, to pick up and recycle the units. Size and other restrictions apply. Please visit [dom.com/appliancerecycling](http://dom.com/appliancerecycling) or call JACO Environmental at 844-685-7462.

**DESKS**

FROM | 7

Just a few weeks into the new school year, Baytosk said that after some initial growing pains as students and teachers became used to the new arrangement, things have gone very smoothly and have already started to show results. He said with the desks being on wheels, they are conducive to different kinds of activities and class structure, in addition to offering students the option to sit or stand.

"What we anticipated, and what I think we're beginning to see, is that in fact, the ability to stand increases focus and attention," Baytosk said. "When you're sitting, you tend to collapse in on yourself and it can be hard to maintain your energy. But when you're standing, you have a little more blood flow, a little more oxygen flowing around. You tend to be more engaged. I think the teachers are seeing that."

"If they've just come off a hard PE period and need to sit, they can sit, but if they're getting into the legs of the day after lunch, they can stand."

In addition to standing desks

in the middle school grades, the lower school was provided with new stools designed by Hokii, which are ergonomically designed to strengthen students' core muscles and encourage better posture.

Baytosk said that standing desks were unlikely to be introduced across all grades due to their size, but the idea

variety of locations across the U.S. and Europe for the last two decades, Olmstead said the benefits are apparent in class.

"Rather than expecting [students] to sit still and do their work, they can be in one location and continue to do their work, be engaged in their work, but at the same time they're moving," she said. "For example, they might be sitting on the ball, and when they sit they have to have both feet flat on the ball for stability but they can still bounce up and down on the ball. They do it as they need it."

"Sometimes they'll be still for a while and other times they'll be moving. They can also rock back and forth on the ball, they can rock side to side on the ball or they can move in a circular motion, clockwise and counter clockwise."

With more and more research suggesting that alternative ways to sit in class can be beneficial to students, the use of standing desks, fitness balls and other methods may well grow further across the city and the country as time goes on.



Fifth graders at Alexandria Country Day School give standing a try at their new adjustable desks, introduced in the middle school grades this year.

of improving the posture of the youngest students is something that has permeated other schools in Alexandria.

At Douglas MacArthur Elementary School, second grade teacher Jan Olmstead pioneered the use of fitness balls as an alternative to standard seats for her students, with the seats also available for those who want them. Having used them in a



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**EPISCOPAL** FROM | 16

game we were really pushing it through from the beginning and got it straight down to the circle and tried to get a goal as fast as possible because once we did that, they knew that we were a threat."

On the strength of that performance, Episcopal appeared to have put the disappointment of a blowout loss to its cross-town rival behind it, albeit after taking some hard lessons from the defeat.

"Having a loss to St. Stephen's, it really put our season in perspective," Phillips said. "It showed us that we can't always win, that we need to push through it and we need to learn from this mistake and have it in the back of our minds but not think about it all day. It's definitely an uphill climb from here."

"[The defeat] just showed us what we needed to work on," Winants added. "Even though it brought us down, it showed us that we need to really improve, and it showed us what parts of the game we were weak at. I think we worked on it in this game and got a lot better."

It has been an up and down season so far for Episcopal, which saw an initial two-game winning streak wiped

out by a three-game losing run, followed by a thumping four-match win streak. Even with some difficult moments, Montgomery is adamant her players are talented enough to make an impact in future games.

"I've been telling them,

**“ [The defeat] just showed us what we needed to work on. Even though it brought us down, it showed us that we need to really improve, and it showed us what parts of the game we were weak at. I think we worked on it in this game and got a lot better.”**

- Eleanor Winants,  
Episcopal field hockey player

and I truly do believe this, that they have absolutely so much potential," she said. "I'm really waiting for them to keep taking it to the next level because it's been fun to coach them as they've jumped on absolutely every-

thing I've sent their way."

With a No. 7 ranking in the last two state polls, the Maroon may have one eye on the postseason, especially having lost in the quarterfinals of both the Independent School League and Virginia Independent Schools Athletic Association playoffs last season. The players and coaches are well aware of what still needs to be done moving forward.

"I think we just [shouldn't] change what we have already, keep getting better and working harder," Phillips said. "I think the team works really well together and we're good about switching positions and helping each other out and having a lot of give-and-go. From here, we just need to push through and we need to remember the fundamentals and not let it get really scrappy."

"One thing that we've been focusing on is playing together and being super intentional about the time that we have to practice," Montgomery said. "It's not about practicing more or necessarily harder, it's really just being smart about our practicing. I think if we continue to do that, we're going to continue to make these improvements that we've been making and be in a good place to be successful at the end of the season."

**SPORTS SHORTS**

**Local football teams see mixed results**

With the majority of the city's high school football teams having played six games, there have been plenty of intriguing results so far, led by Bishop Ireton with a 5-1 record.

On the back of a state final appearance last season, the Cardinals began with a three-game winning streak and have more recently won two straight, including on October 3 at home against local rivals St. Stephen's and St. Agnes. Ireton travels to Benedictine of Richmond

this Saturday.

Ireton's only defeat so far this season came at the hands of Episcopal, which holds a 3-0 record so far. The Maroon also defeated SSSAS by the handy margin of 41-13, and will have the biggest test of the season Saturday as they welcome Bullis. The Bulldogs are defending Interscholastic Athletic Conference champions, having finished ahead of Episcopal last season.

It has been a mixed season so far for SSSAS, which has lost to both of its local rivals

but hold a 3-3 record at this stage. The Saints are currently on a two-game losing streak and welcome Landon to Moss Field on Saturday.

T.C. Williams has struggled and is 2-4 overall, with two two-game losing streaks sandwiching its only other victory since opening day: a 27-6 defeat of Mount Vernon. The Titans are 0-3 at home after losses to Westfield, South County and Lake Braddock, and travel to West Springfield on Friday night.

- Chris Teale

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**11 December 2015**

**Dear State Board of Elections:**

**I am responding to the “Van Fleet for Alexandria Council” campaign violations you pointed out occurring in the 1, 8 and 15 October Ads published in the Alexandria Times that did not reflect an “authorized and paid for” certification. Regrettably, my campaign did not design those Ads, as they were created by the advertizing staff of the Times. The bottom line being that my campaign staff and I completely overlooked the omission of the certification during the e-mail proofing process.**

**In addition, we cannot validate the other allegation that we failed to put the certification on a campaign mailer that was sent to potential voters in Alexandria. Since we sent out a large number of mailers we are unable to find the referenced mailer.**

**At no time did we purposely leave off the certification on any of our correspondence or Ads.**

**Townsend A. “Van” Fleet**

**Republican Candidate for the Alexandria Council**

**26 Wolfe Street, Alexandria, VA 22314**



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# Campaign Finance Violation Gibbons

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BOARD WORKING PAPERS  
Brooks Braun  
ELECT Policy Analyst



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## Memorandum

**To:** James Alcorn, Chairman; ClaraBelle Wheeler, Vice Chair; Singleton McAllister, Secretary  
**From:** Brooks C. Braun, Policy Analyst  
**Date:** December 16, 2015  
**Re:** Stand by Your Ad Complaint – Committee to Elect Robert Gibbons

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**Executive Summary:** Paul Waldowski submitted a complaint to the Department of Elections alleging that the Committee to Elect Robert Gibbons had distributed yard signs without disclosure statements, posted in the 14 days before the election. The Department recommends a fine of \$250.

**Complainants:** Paul Waldowski

**Background:** On November 23, 2015, Mr. Waldowski filed a complaint with the Stafford County General Registrar, Greg Riddlemoser, regarding yard signs posted by Mr. Gibbons' campaign "on and before Tuesday, November 3, 2015." The complaint contained photographic evidence that the yard signs did not contain the required disclosure statements. Mr. Riddlemoser forwarded the complaint to the Department on November 24, 2015. Mr. Waldowski subsequently forwarded additional photographic evidence directly to the Department. The complaint and photographs are attached.

### Relevant Statutory and Policy Provisions:

§ 24.2-955 states that "The disclosure requirements of this Chapter [Stand by Your Ad] apply to any sponsor of an advertisement in the print media [...] the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 [the Campaign Finance Disclosure Act]."

§ 24.2-955.1 defines "Advertisement" as "any message appearing in the print media [...] that constitutes an expenditure under Chapter 9.3."

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



§ 24.2-955.1 defines “Yard sign” as “a sign paid for or distributed by a candidate, [or] campaign committee [...] to be placed on public or private property. Yard signs paid for or distributed prior to July 1, 2015, shall not be subject to the provisions of §§ 24.2-956 and 24.2-956.1.”

§ 24.2-945.1 defines “expenditure” as “money and services of any amount, and any other thing of value, paid [...] by any candidate, [or] campaign committee [...] for the purpose of expressly advocating the election or defeat of a clearly identified candidate.”

§ 24.2-956 requires a print media advertisement sponsored by a candidate committee to “[bear] the legend or includes the statement: ‘Paid for by \_\_\_\_\_ [Name of candidate or campaign committee].’ Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement ‘Paid for by \_\_\_\_\_ [Name of sponsor]’ may be replaced by the statement ‘Authorized by \_\_\_\_\_ [Name of sponsor].’”

§ 24.2-955.3 provides that “Any sponsor violating [the print media requirements] of this chapter shall be subject to (i) a civil penalty not to exceed \$1,000; or (ii) in the case of a violation occurring within the 14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500.” In its November 16, 2015 meeting the State Board set a practice of fining on a per occurrence basis for violations of print media requirements. During that same meeting, the Board also set a practice of fining first time violators of Stand by Your Ad \$100 per occurrence.

**Analysis:** The first step in an analysis of a Stand by Your Ad complaint is to determine if the communication at issue falls within the scope of the law requiring disclosures. To do so, § 24.2-955 requires a communication to be an “advertisement” as defined by § 24.2-955.1. The definition of “advertisement” requires the communication be an “expenditure” according to § 24.2-945.1. According to the definition in that section, something is a reportable expenditure only when it is “for the purpose of expressly advocating the election or defeat of a clearly identified candidate.” Therefore, for a communication to fall under the scope of § 24.2-955 it must contain what is known as “express advocacy.” Express advocacy is a term of art which has come to mean any communication containing express words of advocacy of election or defeat, such as “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” “reject,” or some variation thereof. These are the so called “magic words.”

The communication disseminated by the Gibbons campaign contains the magic words “Vote Bob Gibbons” and therefore qualifies as express advocacy. It also appears to be a communication for which the Gibbons campaign paid something of value and is therefore an expenditures under §



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24.2-945.1. Furthermore, this communication (yard sign) falls squarely within the definition of print media and therefore qualifies as an advertisement under § 24.2-955.1. Because this communication is an advertisement falling within the scope of the Stand by Your Ad law provided in § 24.2-955, it is required to contain a disclosure statement.

The second step in an analysis of a Stand by Your Ad complaint is to determine whether an advertisement within the scope of that law contains the appropriate disclosure. For an advertisement in print media purchased by a candidate or their campaign committee, the required disclosure is provided in § 24.2-956. The advertisement must include the statement “Paid for by \_\_\_\_\_ [Name of sponsor],” or “Authorized by \_\_\_\_\_ [Name of sponsor]” for an advertisement that mentions no other candidate. Disclosures must be “displayed in a conspicuous manner in a minimum font size of seven point.”

The print media advertisement disseminated by the Gibbons campaign does not contain any disclosure statement indicating who paid for or authorized it.

**Conclusion:** The Gibbons campaign has failed to properly comply with Stand by Your Ad in regards to the print media advertisements at issue.

**Staff Recommendations:** The State Board should find that the Committee to Elect Robert Gibbons has violated the provisions of Stand by Your Ad and should fine his campaign accordingly in an amount not to exceed \$2,500. Since Ms. Green is a first time violator of Stand by Your Ad, the Department would normally suggest he be fined \$100 per occurrence. However, because the code suggests that fines be heightened in the period two weeks before an election, the Department asks that the Board consider increasing the fine to \$250 per occurrence (still 10% of the maximum allowable fine), or a total of \$250 in this instance.

**Suggested Motion:** “I move that, subject to the Board’s authority under § 24.2-955.3 of the *Code of Virginia*, the Committee to Elect Robert Gibbons has been found to be in violation of the print media disclosure requirements of Stand by Your Ad within the 14 days prior to or on the election, for the first time, and in a single instance and is thereby fined \$250.”

**Authority:** § 24.2-955.3(D) provides that “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” § 24.2-955.3(A) provides that “Any sponsor violating [the print media requirements] of this chapter shall be subject to (i) a civil penalty not to exceed \$1,000; or (ii) in the case of a violation occurring within the 14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500.”



## Appendix A: Complaint

From: Stafford County Registrar <registrar@staffordcountya.gov> Sent: Tue 11/24/2015 7:23 AM  
To: Braun, Brooks (ELECT)  
Cc: waldowski4ourockhill@gmail.com  
Subject: FW: how do I get this to the State Board of Elections? note that only one (1) JPEG is attached due to size

Message: Rock Hill Baptist Church #2.JPG (3 MB)

Brooks  
Please see the below formal CFDA complaint  
**Greg S Riddlemoser**  
Director of Elections  
& General Registrar  
Stafford County  
540-658-4000  
[staffordcountya.gov/registrar](http://staffordcountya.gov/registrar)  
Please Note: Pursuant to the Virginia Freedom of Information Act (FOIA), written correspondence including e-mails to and from County of Stafford officials and employees may be subject to disclosure as a public record. Additionally, any unauthorized use, reproduction, forwarding, distribution or other dissemination of this transmission is strictly prohibited and may be unlawful. If you are not an intended recipient of this e-mail transmission, please notify the sender by return e-mail and permanently delete any record of this transmission. Your cooperation is appreciated.

**From:** Paul WALDOWSKI [<mailto:waldowski4ourockhill@gmail.com>]  
**Sent:** Monday, November 23, 2015 3:39 PM  
**To:** Stafford County Registrar  
**Subject:** how do I get this to the State Board of Elections? note that only one (1) JPEG is attached due to size!

Dear State Board of Elections:

On and before Tuesday, November 3, 2015, Independent candidate for the Rock Hill District Supervisor seat, Robert "Bob" C. Gibbons posted signs throughout the Rock Hill Election District in Stafford County, Virginia.

The Rock Hill Election District has four (4) polling locations: Mt Ararat Baptist Church, 1112 Garrisonville Road, 22556, Rock Hill Elementary School, 50 Wood Drive, 22556, Rock Hill Baptist Church, 12 Van Horn Lane, 22556, and Rodney E. Thompson Middle School, 75 Walpole Street, 22554.

Attached as three (3) JPEGs taken by me, Paul J. Waldowski, on Tuesday, November 3, 2015, clearly show an unlawful act performed by Mr. Gibbons by posting signs at an election facility that are missing the required clause:

Authorized by ..... means the same as "authorization" as defined in Virginia Code §24.2-945.1.

Even when I told Mr. Gibbons about the illegal signs when I saw him on Tuesday, November 3, 2015, he stated to me that he was being fined \$100 which is a lie because any candidate is granted due process against any type allegation before a civil penalty is assessed.

It also came to my attention on Tuesday, November 3, 2015 that the Chairman of the StaffordGOP, Mr. Dirk Mauer had reported Mr. Gibbons for attempting to hand out an illegal sample ballot at the Rock Hill Elementary School polling location. Details about this incident are not known to me personally!

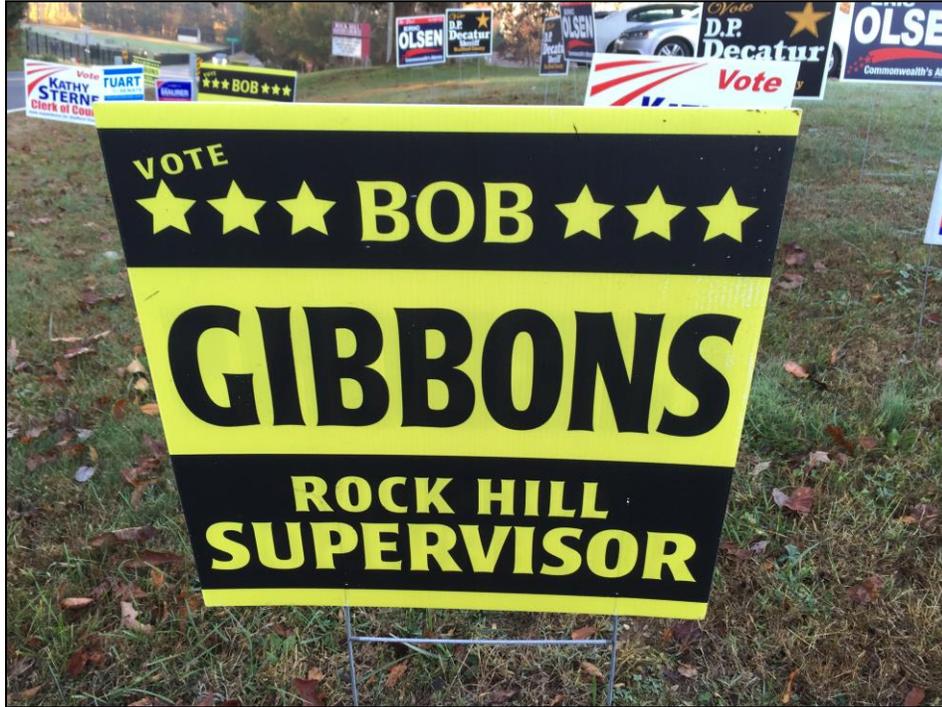
Mr. Gibbons is a four (4) time elected Supervisor in Stafford County plus has been on the ballot several other times in the Commonwealth of Virginia as a candidate for different elected positions.  
His violations are unlawful and subject to Virginia Code § 24.2-955.3. Penalties for violations.

Since the violations incurred by Mr. Gibbons were willful because I told him that the signs were illegal and the violations happened on the day of the election, Mr. Gibbons should be found guilty of a Class 1 misdemeanor. In fact, the signs remained up in the county after election day!

Paul J. Waldowski  
iPhone: [540.287.0933](tel:540.287.0933)



## Appendix B: Evidence





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# Campaign Finance Violation Smith

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BOARD WORKING PAPERS  
Brooks Braun  
ELECT Policy Analyst



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## Memorandum

**To:** James Alcorn, Chairman; ClaraBelle Wheeler, Vice Chair; Singleton McAllister, Secretary  
**From:** Brooks C. Braun, Policy Analyst  
**Date:** December 16, 2015  
**Re:** Stand by Your Ad Complaint – Supporters of Jacqueline Smith for Clerk of the Circuit Court

---

**Executive Summary:** Darrell Jordan submitted a complaint to the Department of Elections that alleged that Supporters of Jacqueline Smith for Clerk of the Circuit Court had distributed pamphlets and posted a website with disclosure statements that deviate from those required by statute. The Department recommends a fine of \$400.

**Complainant:** Darrell Jordan

**Background:** On July 24 and August 12, 2015, Mr. Jordan sent letters to the State Board of Elections that alleged several violations of Stand by Your Ad law related to advertisements for Ms. Smith that omitted the necessary disclosures. These advertisements include pamphlets and the campaign website: [www.smithforclerk.com](http://www.smithforclerk.com). Scans of the letters, photos of the advertisements, and screen grabs of the website in question are attached.

### Relevant Statutory and Policy Provisions:

§ 24.2-955 states that “The disclosure requirements of this Chapter [Stand by Your Ad] apply to any sponsor of an advertisement in the print media [...] the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 [the Campaign Finance Disclosure Act].”

§ 24.2-955.1 defines “Advertisement” as “any message appearing in the print media [...] that constitutes an expenditure under Chapter 9.3.”

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

§ 24.2-945.1 defines “expenditure” as “money and services of any amount, and any other thing of value, paid [...] by any candidate, [or] campaign committee [...] for the purpose of expressly advocating the election or defeat of a clearly identified candidate.”

§ 24.2-956 requires a print media advertisement sponsored by a candidate committee to “[bear] the legend or includes the statement: ‘Paid for by \_\_\_\_\_ [Name of candidate or campaign committee].’”



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Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement ‘Paid for by \_\_\_\_\_ [Name of sponsor]’ may be replaced by the statement ‘Authorized by \_\_\_\_\_ [Name of sponsor].’”

§ 24.2-955.3(A) provides that “Any sponsor violating [the print media requirements] of this chapter shall be subject to (i) a civil penalty not to exceed \$1,000.”

§ 24.2-955.3(E) provides that “It shall not be deemed a violation of this chapter if the contents of the disclosure legend or statement convey the required information.”

In its November 16, 2015 meeting the State Board set a practice of fining on a per occurrence basis for violations of print media requirements. During that same meeting, the Board also set a practice of fining first time violators of Stand by Your Ad \$100 per occurrence.

**Analysis:** The first step in an analysis of a Stand by Your Ad complaint is to determine if the communication at issue falls within the scope of the law requiring disclosures. To do so, § 24.2-955 requires a communication to be an “advertisement” as defined by § 24.2-955.1. The definition of “advertisement” requires the communication be an “expenditure” according to § 24.2-945.1. According to the definition in that section, something is a reportable expenditure only when it is “for the purpose of expressly advocating the election or defeat of a clearly identified candidate.” Therefore, for a communication to fall under the scope of § 24.2-955 it must contain what is known as “express advocacy.” Express advocacy is a term of art which includes any communication containing express words of advocacy of election or defeat, such as “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” “reject,” or some variation thereof. These are the so called “magic words.”

The communications disseminated by the Smith campaign contain the magic words “Elect Jacqueline Smith” and therefore qualify as express advocacy. They also appear to be communications for which the Smith campaign paid something of value and are therefore expenditures under § 24.2-945.1. Furthermore, these communications (pamphlets and a website) fall squarely within the definition of print media and therefore qualify as advertisements under § 24.2-955.1. Because these communications are advertisements falling within the scope of the Stand by Your Ad law provided in § 24.2-955, they are required to contain disclosure statements.

The second step in an analysis of a Stand by Your Ad complaint is to determine whether an advertisement within the scope of that law contains the appropriate disclosure. For an advertisement in print media purchased by a candidate or their campaign committee, the required disclosure is provided in § 24.2-956. The advertisement must include the statement “Paid for by \_\_\_\_\_ [Name of sponsor],” or “Authorized by \_\_\_\_\_ [Name of sponsor]” for an advertisement that mentions no other candidate. However, § 24.2-955.3(E) provides that “It shall not be deemed a violation of this chapter if the contents of the disclosure legend or statement convey the required information.”



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The print media advertisements disseminated by the Jacqueline Smith campaign do not contain either of the specific disclosure statements provided by § 24.2-956; however, each of the advertisements in question do contain what appear to be disclosure legends. The information provided by those disclosure legends may constitute substantial compliance under § 24.2-955.3(E). In its November 16, 2015 meeting, the Board referenced § 24.2-955.3(E) in finding that an advertisement with the disclosure legend “sponsored by [Name of sponsor]” was in substantial compliance with the law. Before finding any other advertisements in substantial compliance under that subsection, the Board requested that the Department look into the history § 24.2-955.3(E).

The language used in § 24.2-955.3(E) was first introduced to the *Code of Virginia* in 2005, in a previous version of the Stand by Your Ad law. That language was retained when what is now Chapter 9.5 of Title 24.2 was enacted by the legislature in 2006. A conversation with Chris Piper, former manager of Election Services for the Department and co-writer of the language in question, revealed that the section was intended to function as a substantial compliance provision. Mr. Piper described the motivating incident to be one where a candidate used the disclosure legend “[Name of campaign] paid for this ad.” The candidate was accused of violating the provisions of Stand by Your Ad because of the absence of the exact wording “Paid for by [Name of campaign].” Mr. Piper also indicated that to his knowledge the State Board had never been presented with a case that caused it to take up interpreting this subsection.

This matter now comes back for consideration, and the Board is tasked with determining whether or not the disclosure legends provided in advertisements disseminated by the Jacqueline Smith campaign constitute substantial compliance under § 24.2-955.3(E). Ms. Smith’s campaign provides two different disclosure legends in the advertisements in question. The first, found on the pamphlets, reads “Created in-house by volunteers for the supporters of Jacqueline Smith for Clerk of the Circuit Court.” It is the opinion of the Department that this disclosure does not convey the required information.

Stand by Your Ad requires that campaigns communicate either who paid for the advertisement or who authorized the advertisement. The “Created in-house...” disclosure statement fails to communicate either of these. First, it fails to clearly communicate who paid for the advertisements: did the volunteers pay for the materials?, did the Jacqueline Smith campaign?, someone else? Second, this disclosure fails to clearly communicate who authorized the advertisements: did the volunteers decide to create it upon their own initiative?, did they do so at the behest of the campaign?, or did someone else ask them to make it? Using the disclosure statement “created in-house by volunteers for [Name of campaign]” seems to communicate only the means by which the advertisement was created; it does not provide useful information to voters regarding the source of funds or at whose bequest the advertisement was made. Contrast these statements to the already approved statement “sponsored by [Name of campaign]” which seems to communicate both monetary and authorial responsibility.

The second disclosure legend used by the Jacqueline Smith campaign, found on the campaign website, reads “Website courtesy of the Supporters of Jacqueline Smith for Clerk of the Circuit Court.” It is the opinion of the Department that this disclosure also fails to convey the required information.

The Meriam Webster’s Dictionary Online defines “courtesy” as follows:



Consideration, cooperation, and generosity in providing something (as a gift or privilege); also : agency, means —used chiefly in the phrases “through the courtesy of” or “by courtesy of” or sometimes simply “courtesy of.”

If the statement “courtesy of [Name of campaign]” is construed to include the meaning provided by the first part of the definition above, then it seems to be akin to the approved statement “sponsored by [Name of campaign]. Under that part of the definition “consideration” seems to imply authorship and “generosity in providing” seems to imply monetary support. However, if “courtesy of [Name of campaign]” is construed to include the meaning provided by the second part of the definition, then it seems to be more like the “made in house...” disclosure statement discussed above. Simply providing the means by which an advertisement was made might obscure who paid for and who authorized the advertisement. Because of the ambiguity inherent in the language used by the Jacqueline Smith campaign it is uncertain whether the disclosure statement used on the campaign website communicates to voters who paid for or who authorized the creation of the website.

The forgoing analysis rests on the assumption that the substantial compliance provision in § 24.2-955.3(E) should be read fairly narrowly. A narrow reading is good policy for several reasons. First, it would encourage political committees under the scope of Stand by Your Ad to read and carefully comply with the law as written. Second, it would ensure that the information that the legislature intended be communicated to voters is actually communicated. Third, it would prevent the exception from becoming so capacious that it could be used for nefarious purposes like concealing the source of funds. Should the Board agree with this line of reasoning the Department would like to suggest adoption of the following standard for substantial compliance: an advertisement is only substantially compliant under § 24.2-955.3(E) if it unambiguously conveys the information required by Chapter 9.5.

**Conclusion:** Supporters of Jacqueline Smith for Clerk of the Circuit Court has failed to properly comply with Stand by Your Ad in regards to the print media advertisements at issue.

**Staff Recommendations:** The State Board should find that Jacqueline Smith for Clerk of the Circuit Court has violated the provisions of Stand by Your Ad and should fine the campaign accordingly in an amount not to exceed \$1,000. Since Ms. Smith is a first time violator of Stand by Your Ad, the Department would suggest her campaign be fined \$100 per occurrence; or a total of \$400 in this instance.

**Suggested Motion:** “I move that, subject to the Board’s authority under § 24.2-955.3 of the *Code of Virginia*, Supporters of Jacqueline Smith for Clerk of the Circuit Court has been found to be in violation of the print media disclosure requirements of Stand by Your Ad for the first time and on four separate instances and is thereby fined \$400.”

**Authority:** § 24.2-955.3(D) provides that “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” § 24.2-955.3(A) provides that “Any sponsor violating Article 2 [...] of this chapter shall be subject to (i) a civil penalty not to exceed \$1,000.”



## Appendix A: Letters

July 24, 2015

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

28 JUL 2015 @11:33

Dear State Board of Elections Members:

The campaign committee of Supporters of Jacqueline Smith for Clerk of the Circuit Court has not affixed proper authorization per § 24.2-956. Requirements for print media advertisements sponsored by a candidate campaign committee. Both a palm card (a copy of which is enclosed) and website lack a statement of "Paid for" or "Authorized by".

Website [www.smithforclerk.com](http://www.smithforclerk.com) has the following information:  
"Website courtesy of the Supporters of Jacqueline Smith for Clerk of the Circuit Court  
"Copyright Supporters of Jacqueline Smith for Clerk of the Circuit Court. All rights reserved."

In her most recent campaign report she did not indicate any in-kind contributions. I request that not affixing proper authorization be investigated.

In addition, I have sent a letter to Commonwealth Attorney Paul Ebert requesting that he investigate the following per § 24.2-1019

It appears that Jacqueline C. Smith, Democrat candidate for Clerk of Court, did not file a statement of organization within 10 days of payment of a filing fee for any party nomination method § 24.2-947.1.

Item 2 of the Democratic Call to Caucus states there is a \$50 fee for any person filing as a Candidate. [www.pwcdems.com](http://www.pwcdems.com) states that on May 12 the election was cancelled due to only one filing.

The Statement of Organization was not filed until June 5.

I appreciate your immediate attention to this.

Sincerely,

Sincerely,  
Darrell Jordan  
Vice Chairman, Prince William County Republican Committee  
4431 Prince William Pkwy, Woodbridge, VA 22192, (703) 680-7388



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

August 12, 2015

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

Dear State Board of Elections Members:

On July 24, I wrote you to bring to your attention a violation with the campaign committee of Supporters of Jacqueline Smith for Clerk of the Circuit Court (it had not affixed proper authorization per § 24.2-956). Accompanied to this letter is another violation of requirements for print media advertisements sponsored by a candidate campaign committee. These palm cards lack a statement of "Paid for" or "Authorized by".

My July 24 letter also accompanies this letter. I appreciate your immediate attention to this.

Sincerely,

Sincerely,  
Darrell Jordan  
Vice Chairman, Prince William County Republican Committee  
4431 Prince William Pkwy, Woodbridge, VA 22192, (703) 680-7388

Received by SBE AUG 14 15



## Appendix B: Evidence Pamphlet 1

<p>★ ELECT JACQUELINE ★ <b>SMITH</b> CLERK OF THE CIRCUIT COURT</p>  <p>FOR A BALANCED, EFFICIENT &amp; RESPONSIVE CIRCUIT COURT</p> <p><b>SMITHFORCLERK.COM</b> Received by SBE AUG 14 '15</p> <p>CREATED IN-HOUSE BY VOLUNTEERS FOR THE SUPPORTERS OF JACQUELINE SMITH FOR CLERK OF THE CIRCUIT COURT</p>	<p>★ ELECT JACQUELINE ★ <b>SMITH</b> CLERK OF THE CIRCUIT COURT</p> <p><u>BALANCED</u></p> <p><b>Our Problem:</b> Clerk and the appointed Deputy Clerk created an environment hostile to some members of our county based on their religious beliefs, the color of their skin and their sexual identity.</p> <p><b>Smith's Promise:</b> Ensure justice and services are available to ALL Prince William County taxpayers.</p> <p><u>EFFICIENT</u></p> <p><b>Our Problem:</b> Computerized documents and files are disorganized and can be unavailable to judges, clerks and taxpayers.</p> <p><b>Smith's Promise:</b> Ensure electronic files are available to judges and Prince William County taxpayers.</p> <p><u>RESPONSIVE</u></p> <p><b>Our Problem:</b> Phones not answered by a live person and taxpayers' questions left unanswered.</p> <p><b>Smith's Promise:</b> Ensure phones will be answered by staff so taxpayers' questions are answered promptly.</p> <p>Received by SBE AUG 14 '15</p> <div data-bbox="787 1495 1263 1686"><p>Check the facts:</p><ol style="list-style-type: none"><li>1. Va. Republican Leaders Call on GOP Part. Treasurer to Resign Over Facebook Post. <i>Washington Post</i>, February 27, 2014</li><li>2. Va. GOP Treasurer is Said to Offer Resignation After Facebook Post on Muslims. <i>Washington Post</i>, July 31, 2014</li><li>3. Va. GOP Official Resigns After Controversial Facebook Post. <i>Washington Post</i>, August 7, 2014</li><li>4. Prince William Clerk Part of Same Sex Marriage Case. <i>Prince William Times</i>, January 25, 2014</li></ol></div>
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## Website





## Pamphlet 2

ELECT  
JACQUELINE  
**SMITH**  
CLERK OF THE  
CIRCUIT COURT  
FOR A BALANCED,  
EFFICIENT &  
RESPONSIVE  
CIRCUIT COURT  
SMITHFORCLERK.COM  
  
CREATED IN-HOUSE BY VOLUNTEERS FOR  
THE SUPPORTERS OF JACQUILINE SMITH FOR CLERK OF THE CIRCUIT COURT



Pamphlet 3



ELECT  
★ JACQUELINE ★

# SMITH

CLERK OF CIRCUIT COURT

★ FAIR ★

**The Problem:** Clerk and the appointed Deputy Clerk created an environment hostile to some members of our county based on their religious beliefs, the color of their skin and their sexual identity.\*

**Smith's Promise:** Ensure justice and services are available to ALL Prince William County taxpayers.

★ EFFICIENT ★

**The Problem:** Computerized documents and files are disorganized and can be unavailable to judges, clerks and taxpayers.

**Smith's Promise:** Ensure electronic files are available to judges and Prince William County taxpayers.

★ RESPONSIVE ★

**The Problem:** Phones not answered by a live person and taxpayers' questions left unanswered.

**Smith's Promise:** Ensure phones will be answered by staff so taxpayers' questions are answered promptly.

\*Check the facts:

1. [Vt. Republican Legates Call on GOP Party Treasurer to Resign](#), Over Facebook Post, *Washington Post*, February 27, 2014
2. [Vt. GOP Treasurer is Said to Offer Resignation After Facebook Post on Muslims](#), *Washington Post*, July 31, 2014
3. [Vt. GOP Official Resigns After Controversial Facebook Post](#), *Washington Post*, August 7, 2014
4. [Prince William Clerk Part of Same-Sex Marriage Case](#), *Prince William Times*, January 25, 2014

★ FOR A FAIR, EFFICIENT & RESPONSIVE CIRCUIT COURT ★

CREATED IN THE STATE BY VOLUNTEERS FOR THE SUPPORTERS OF JACQUELINE SMITH FOR CLERK OF THE CIRCUIT COURT

SMITHFORCLERK.COM

(571) 762-2191



SMITH  
FRANCIS  
LAW  
GROUP

December 15, 2015

**Via Email**

Brooks C. Braun, Esquire  
1100 Bank Street  
Washington Building-First Floor  
Richmond, VA 23219-3974

Re: Supporters of Jacqueline Smith for Clerk of the Circuit Court (the "Committee")

Dear Mr. Braun:

Thank you for your response to my November 17, 2015 letter, which my client received on December 10, 2015. Per your request, please allow me to share with you my initial thoughts concerning the complaint filed against my client. Specifically, my client has been accused of violating Virginia Code Section 24.2-956 (Requirements for print media advertisements sponsored by a candidate campaign committee) because the print advertising materials and website allegedly did not include the "magic words" "paid for by" or "authorized by" as listed in the statute. As you will recall, an attribution statement did appear on each piece in question. More specifically, the website included the following statement "Website courtesy of the Supporters of Jacqueline Smith for Clerk of the Circuit Court". Likewise, the print materials in question included the statement "Created in-house by volunteers for the Supporters of Jacqueline Smith for Clerk of the Circuit Court".

Although it has been asserted that the attribution statements violate the statute because they do not include the "magic words", Virginia Code Section 24.2-955.3 (E) (Penalties for violations of this chapter) mandates "It *shall not* be deemed a violation of this chapter if the contents of the disclosure legend or statement *convey the required information*" (*emphasis added*). In this case, my client made clear that the advertisements were paid for and authorized by the Committee as they were created in-house using the Committee's resources and labor. Further, the resources used to create these items were timely reported as expenditures to the State Board of Elections.

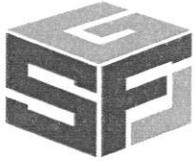
Furthermore, the phrase "authorized by" has been met by the print advertising materials and the website. "Authorized by" as used in Virginia Code Section 24.2-956 is defined in Virginia Code Section 24.2-955.1 as having the same definition as "authorization" from Virginia Code Section 24.2-945.1. "Authorization" is defined by Virginia Code Section 24.2-945.1 as "express approval or express consent by the candidate, the candidate's campaign committee, or an agent of the candidate or his campaign committee after coordination." Materials which are "Created in-house by volunteers for the Supporters of Jacqueline Smith for Clerk of the Circuit Court" are necessarily "authorized by" as defined by the Virginia Code, and a "Website courtesy of the Supporters of Jacqueline Smith for Clerk of the Circuit Court" is also necessarily "authorized by" as defined by the Virginia Code. Even if it is somehow determined that "authorized by" has not been met, the attribution statements clearly "convey the required information." For these reasons, the complaint filed against my client must immediately be dismissed.

As you know, my client and I were prohibited from attending the November 16, 2015 public hearing of the complaint filed against my client as we did not receive notice of the hearing until after the hearing was held. Similarly, as you are aware, we are unable to attend the hearing set for December 16,

2525 POINTE CENTER COURT, SUITE 150, DUMFRIES, VIRGINIA 22026

TEL (571) 529-9379

FAX (571) 659-6194



SMITH  
FRANCIS  
LAW  
GROUP

2015 as we only received notice of same on Thursday. We respectfully request that the complaint filed against my client be immediately dismissed, or in the alternative, that the hearing of this complaint be continued to the next available hearing date. I understand from our recent telephone conference that you are confident a continuance will be granted. I look forward to hearing from you soon.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'JNF', with a long horizontal flourish extending to the right.

Jonathan N. Francis

## § 24.2-956. Requirements for print media advertisements sponsored by a candidate campaign committee

It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless all of the following conditions are met:

1. It bears the legend or includes the statement: "Paid for by \_\_\_\_\_ [Name of candidate or campaign committee]." Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by \_\_\_\_\_ [Name of sponsor]" may be replaced by the statement "Authorized by \_\_\_\_\_ [Name of sponsor]."
2. In an advertisement sponsored by a candidate or a candidate campaign committee that makes reference to any other clearly identified candidate who is not sponsoring the advertisement, the sponsor shall state whether it is authorized by the candidate not sponsoring the advertisement. The visual legend in the advertisement shall state either "Authorized by [Name of candidate], candidate for [Name of office]" or "Not authorized by any other candidate." This subdivision does not apply if the sponsor of the advertisement is the candidate the advertisement supports or that candidate's campaign committee.
3. If an advertisement is jointly sponsored, the disclosure statement shall name all the sponsors.
4. Any disclosure statement required by this section shall be displayed in a conspicuous manner in a minimum font size of seven point.
5. Any print media advertisement appearing in electronic format shall display the disclosure statement in a minimum font size of seven point; however, if the advertisement lacks sufficient space for a disclosure statement in a minimum font size of seven point, the advertisement may meet disclosure requirements if, by clicking on the print media advertisement appearing in electronic format, the viewer is taken to a landing page or a home page that displays the disclosure statement in a conspicuous manner.

2002, c. 487, § 24.2-943; 2003, c. 237; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892; 2012, c. 519

.

## § 24.2-955.1. Definitions

As used in this chapter, unless the context requires a different meaning:

"Advertisement" means any message appearing in the print media, on television, or on radio that constitutes a contribution or expenditure under Chapter 9.3 (§ 24.2-945 et seq.). "Advertisement" shall not include novelty items authorized by a candidate including, but not limited to, pens, pencils, magnets, and buttons to be attached to wearing apparel.

"Authorized by ..☒ means the same as "authorization" as defined in § 24.2-945.1.

"Campaign telephone calls" means a series of telephone calls, electronic or otherwise, made (i) to 25 or more telephone numbers in the Commonwealth, (ii) during the 180 days before a general or special election or during the 90 days before a primary or other political party nominating event, (iii) conveying or soliciting information relating to any candidate or political party participating in the election, primary or other nominating event, and (iv) under an agreement to compensate the telephone callers.

"Candidate" means "candidate" as defined in § 24.2-101.

"Candidate campaign committee" or "campaign committee" means "campaign committee" as defined in § 24.2-945.1.

"Coordinated" or "coordination" means an expenditure that is made (i) at the express request or suggestion of a candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee or (ii) with material involvement of the candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee in devising the strategy, content, means of dissemination, or timing of the expenditure.

"Conspicuous" means so written, displayed, or communicated that a reasonable person ought to have noticed it.

"Full-screen" means the only picture appearing on the television screen during the oral disclosure statement that (i) contains the disclosing person, (ii) occupies all visible space on the television screen, and (iii) contains the image of the disclosing person that occupies at least 50% of the vertical height of the television screen.

"Independent expenditure" means "independent expenditure" as defined in § 24.2-945.1.

"Occurrence" means one broadcast of a radio or television political campaign advertisement.

"Political action committee" means "political action committee" as defined in § 24.2-945.1.

"Political committee" means "political committee" as defined in § 24.2-945.1.

"Political party" has the same meaning as "party" or "political party" as defined in § 24.2-101.

"Political party committee" means any state political party committee, congressional district political party committee, county or city political party committee, or organized political party

group of elected officials. The term shall not include any other organization or auxiliary associated with or using the name of a political party.

"Print media" means billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail, yard signs, and outdoor advertising facilities. If a single print media advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this section applies only to one page, fold, or face.

"Radio" means any radio broadcast station that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Scan line" means a standard term of measurement used in the electronic media industry calculating a certain area in a television advertisement.

"Sponsor" means a candidate, candidate campaign committee, political committee, or person that purchases an advertisement.

"Television" means any television broadcast station, cable television system, wireless-cable multipoint distribution system, satellite company, or telephone company transmitting video programming that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Unobscured" means that the only printed material that may appear on the television screen is a visual disclosure statement required by law, and that nothing is blocking the view of the disclosing person's face.

"Yard sign" means a sign paid for or distributed by a candidate, campaign committee, or political committee to be placed on public or private property. Yard signs paid for or distributed prior to July 1, 2015, shall not be subject to the provisions of §§ [24.2-956](#) and [24.2-956.1](#).

2002, c. [487](#), § 24.2-942; 2003, c. [237](#); 2006, cc. [787](#), [892](#); 2015, c. [573](#).

## § 24.2-945.1. Definitions

A. As used in this chapter, unless the context requires a different meaning:

"Authorization" means express approval or express consent by the candidate, the candidate's campaign committee, or an agent of the candidate or his campaign committee after coordination.

"Campaign committee" means the committee designated by a candidate to receive all contributions and make all expenditures for him or on his behalf in connection with his nomination or election.

"Candidate" means "candidate" as defined in § 24.2-101.

"Contribution" means money and services of any amount, in-kind contributions, and any other thing of value, given, advanced, loaned, or in any other way provided to a candidate, campaign committee, political committee, or person for the purpose of expressly advocating the election or defeat of a clearly identified candidate or to an inaugural committee for the purpose of defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General.

"Contribution" includes money, services, or things of value in any way provided by a candidate to his own campaign and the payment by the candidate of a filing fee for any party nomination method.

"Coordinated" or "coordination" refers to an expenditure that is made (i) at the express request or suggestion of a candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee or (ii) with material involvement of the candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee in devising the strategy, content, means of dissemination, or timing of the expenditure.

"Designated contribution" means a contribution that is designated specifically and in writing for a particular candidate or candidates and that is made using a political committee solely as a conduit.

"Expenditure" means money and services of any amount, and any other thing of value, paid, loaned, provided, or in any other way disbursed by any candidate, campaign committee, political committee, or person for the purpose of expressly advocating the election or defeat of a clearly identified candidate or by any inaugural committee for the purpose of defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General.

"Federal political action committee" means any political action committee registered with the Federal Election Commission that makes contributions to candidates or political committees registered in Virginia.

"Inaugural committee" means any organization, person, or group of persons that anticipates receiving contributions or making expenditures, from other than publicly appropriated funds, for the inauguration of the Governor, Lieutenant Governor, or Attorney General and related activities.

"Independent expenditure" means an expenditure made by any person, candidate campaign

committee, or political committee that is not made to, controlled by, coordinated with, or made with the authorization of a candidate, his campaign committee, or an agent of the candidate or his campaign committee. "Independent expenditure" includes an expenditure made by a candidate campaign committee (i) that is not related to the candidate's own campaign and (ii) that is not made to, controlled by, coordinated with, or made with the authorization of a different candidate, his campaign committee, or an agent of that candidate or his campaign committee.

"In-kind contribution" means the donation of goods, services, property, or other thing of value, other than money, including an expenditure controlled by, coordinated with, or made upon the authorization of a candidate, his campaign committee, or an agent of the candidate or his campaign committee, that is provided for free or less than the usual and normal charge. The basis for arriving at the dollar value of an in-kind contribution is as follows: new items are valued at retail value; used items are valued at fair market value; and services rendered are valued at the actual cost of service per hour. Services shall not be deemed to include personal services voluntarily rendered for which no compensation is asked or given.

"Out-of-state political committee" means an entity covered by § 527 of the United States Internal Revenue Code that is not registered as a political committee or candidate campaign committee in Virginia and that does not have as its primary purpose expressly advocating the election or defeat of a clearly identified candidate. The term shall not include a federal political action committee.

"Person" means any individual or corporation, partnership, business, labor organization, membership organization, association, cooperative, or other like entity.

"Political action committee" means any organization, person, or group of persons, established or maintained to receive and expend contributions for the primary purpose of expressly advocating the election or defeat of a clearly identified candidate. The term shall not include a campaign committee, federal political action committee, out-of-state political committee, political party committee, referendum committee, or inaugural committee.

"Political committee" means and includes any political action committee, political party committee, referendum committee, or inaugural committee. The term shall not include: (i) a federal political action committee or out-of-state political committee; (ii) a campaign committee; (iii) a political party committee exempted pursuant to § 24.2-950.1; or (iv) a person who receives no contributions from any source and whose only expenditures are made solely from his own funds and are either contributions made by him which are reportable by the recipient pursuant to this chapter or independent expenditures which are reportable by him to the extent required by § 24.2-945.2, or a combination of such reportable contributions and independent expenditures.

"Political party committee" means any state political party committee, congressional district political party committee, county or city political party committee, other election district political party committee, or organized political party group of elected officials. This definition is subject to the provisions of § 24.2-950.1.

"Primary purpose" means that 50% or more of the committee's expenditures made in the form of contributions shall be made to candidate campaign committees or political committees registered in Virginia. Administrative expenditures and the transfer of funds between affiliated or connected organizations shall not be considered in determining the committee's primary purpose. The primary purpose of the committee shall not be determined on the basis of only one

report or election cycle, but over the entirety of the committee's registration.

"Referendum committee" means any organization, person, group of persons, or committee, that makes expenditures in a calendar year in excess of (i) \$10,000 to advocate the passage or defeat of a statewide referendum, (ii) \$5,000 to advocate the passage or defeat of a referendum being held in two or more counties and cities, or (iii) \$1,000 to advocate the passage or defeat of a referendum held in a single county or city.

"Residence" means "residence" or "resident" as defined in § 24.2-101.

"Statewide office" means the office of Governor, Lieutenant Governor, or Attorney General.

B. For the purpose of applying the filing and reporting requirements of this chapter, the terms "person" and "political committee," shall not include an organization holding tax-exempt status under § 501(c) (3), 501(c) (4), or 501(c) (6) of the United States Internal Revenue Code which, in providing information to voters, does not advocate or endorse the election or defeat of a particular candidate, group of candidates, or the candidates of a particular political party.

1970, c. 462, § 24.1-255; 1975, c. 515, § 24.1-254.1; 1981, c. 425, § 24.1-254.2; 1983, c. 119; 1988, c. 616; 1991, cc. 9, 474, 709, § 24.1-254.3; 1993, cc. 641, 776, 921, §§ 24.2-901, 24.2-902; 1994, c. 510; 1996, cc. 405, 1042; 2004, c. 457; 2006, cc. 771, 772, 787, 805, 892, 938; 2007, cc. 246, 831; 2008, cc. 152, 289.



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# New Business

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BOARD WORKING PAPERS



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# Ballot Order Drawing Presidential Primary March 1, 2016

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BOARD WORKING PAPERS  
Reiko Doğu  
ELECT Senior Elections Administrator



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

## Memorandum

To: Members of the State Board of Elections  
From: Reiko T. Dogu, Senior Elections Administrator  
Date: December 16, 2015  
Re: Ballot draw for March 1, 2016 Presidential Primary

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### Suggested motion for a Board member to make

I move that the Board certify the ballot order as drawn.

### Applicable Code Section

Va. Code § 24.2-545C which reads:

The names of all candidates in the presidential primary of each political party shall appear on the ballot in an order determined by lot by the State Board.

### Background

Persons seeking access to the 2016 Presidential Primary Ballot submitted petitions to the Virginia Department of Elections by 5:00 P.M. as required by the filing schedule set by this board on June 22, 2015. Immediately thereafter the petitions were transferred to the parties for verification.

### Democratic Certification

On December 11, 2015 the Democratic Party of Virginia certified that the following candidates qualified to appear on the 2016 Democratic Presidential Primary ballot:

Martin O'Malley

Hillary Clinton

Bernie Sanders

Each of the above names has been written on a strip of paper and will now be placed in the drawing box. If the Board so moves, the order in which they are drawn from the box shall be the order they appear on the 2016 Democratic Presidential Primary ballot.

Republican Certification

On December 15, 2015 the Republican Party of Virginia certified that the following candidates qualified to appear on the 2016 Republican Presidential Primary ballot:

Jim Gilmore

Ben Carson

Ted Cruz

Jeb Bush

Donald Trump

Chris Christie

Marco Rubio

Lindsey Graham

Rick Santorum

Carly Fiorina

Rand Paul

John Kasich

Mike Huckabee

Each of the above names has been written on a strip of paper and will now be placed in the drawing box. If the Board so moves, the order in which they are drawn from the box shall be the order they appear on the 2016 Republican Presidential Primary ballot.



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# RPV Affirmation Statement

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BOARD WORKING PAPERS  
Reiko Doğu  
ELECT Senior Elections Administrator



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

## Memorandum

To: Members of the State Board of Elections

From: Reiko Doğu, Senior Elections Administrator

Date: December 16, 2015

Re: Approval of the Republican Party of Virginia's proposed Voter Statement of Republican Party Affiliation

---

### Suggested Motion

I move that the Board approve the proposed Voter Statement of Republican Party Affiliation as presented by the Department of Elections staff.

### Applicable Law

Virginia Code § 24.2-545A

### Background

Following the steps prescribed in §24.2-545A of the code of the Commonwealth of Virginia:

If the party has determined that it will hold a presidential primary, each registered voter of the Commonwealth shall be given an opportunity to participate in the presidential primary of the political party, as defined in § 24.2-101, subject to requirements determined by the political party for participation in its presidential

primary. The requirements may include, but shall not be limited to, the signing of a pledge by the voter of his intention to support the party's candidate when offering to vote in the primary. The requirements applicable to a party's primary shall be determined at least 90 days prior to the primary date and certified to, and approved by, the State Board.

The letter and supporting materials requesting the Board to approve the use of a pledge is in the Board packet. The Department of Elections has taken the language proposed by the Republican Party of Virginia and formatted it for use in polling places on election day and for inclusion in the absentee voter packet. The formatting is based on similar documents previously approved by the Board in 2011.



Republican Party of Virginia  
[www.rpv.org](http://www.rpv.org)

November 24, 2015

State Board of Elections  
1100 Bank Street  
Richmond, VA 23219

State Board of Elections,

I write to you today to inform you that the Republican Party of Virginia has chosen to a state-run primary as the method for selecting our Presidential nominee in 2016. Pursuant to (§24.2-545) of the Code of Virginia, I am notifying the State Board of Elections of the Republican Party of Virginia's choice.

The Primary method was chosen by a vote of the Republican Party's State Central Committee on June 27, 2015. I have attached a copy of the minutes of the meeting as further proof of our selection.

While I realize our Party's Primary is already listed on the State Board of Election's website, I want to ensure the Code was being followed to the letter.

In addition to our Party's choice of a Primary, I also write today to inform the State Board of Elections that the State Central Committee of our Party voted to require voters who wish to participate in the March 1, 2016 Republican Presidential Primary must sign a Statement of Intent.

Our State Central Committee voted to have this requirement added at our Fall meeting on September 19, 2015. Minutes of the meeting as well as a copy of the statement of intent are attached to this letter. The request for the statement of intent is in line with (§24.2-545) and well within the 90 days prior to the Primary required by the Code.

Our Party is open to paying for the production and shipping of the Statements of Intent as long as we are able to determine the printer, material, and size of the documents.

If there are any additional documents that need to be filled out to inform the State Board of Elections of our determination, please email our Executive Director, John Findlay, [jfindlay@rpv.org](mailto:jfindlay@rpv.org) or call our office at (804) 780-0111. Thank you for your time and assistance on this issue.

Sincerely,

John Whitbeck

NOV 24 2015

The Richard D. Obenshain Center • 115 East Grace Street • Richmond, Virginia 23219  
804-780-0111 • FAX: 804-343-1060



## 2016 Presidential Preference Primary

### Statement of Republican Party Affiliation

Virginia does not register voters by political party. Virginia law allows a political party to ask that voters in its Presidential Primary affiliate with that party.

My signature below indicates that I am a Republican.

_____ Printed Name*	_____ Signature*
_____ Email Address	_____ Phone
*Required	

**State Central Committee**

**June 27, 2015**

**Staunton, VA**

The meeting of the Republican Party of Virginia State Central Committee was called to order at 1:12 p.m. by Chairman John Whitbeck. He announced that the theme of the meeting is defeating Hillary Clinton. The meeting took place at the Stonewall Jackson Hotel and Conference Center in Staunton, VA.

Western Vice Chairwoman Suzanne Curran gave the invocation.

College Republican Federation of Virginia (CRFV) member Devon Flynn led the Pledge of Allegiance.

College Republican Federation of Virginia President Kasha Nielsen recited the Republican creed.

The Chairman asked the Secretary to call the roll which was as follows:

John	Whitbeck	Steve	Albertson	Marcy	Hernick
Michael	Thomas	Larry	Kile	Jerry	Lester
Morton	Blackwell	Carol	Dawson	Susan	Edwards
Kathy	Hayden	Carl	Anderson	Heidi	Stirrup
Diana	Banister	Stephen	Corazza	Julie	Williams
Rich	Nilsen	Barbara	Tabb	Mark	Berg
Chris	Marston	Steve	Trent	Kay	Gunter
Eric	Herr	Bill	Flanagan	Eve	Gleason
Curtis	Colgate	Rick	Michael	Keith	Damon
Chris	Stearns	Bob	Wheeler	Patsy	Drain
Jack	Wilson	Carole	de Triquet	David	Ray
Wendell	Walker	Renee	Maxey	Devon	Flynn
Fred	Gruber	Chris	Shores	Daniel	Webb
Mark	Kelly	Peyton	Knight	Michael	Wood
Adam	Tolbert	ClaraBelle	Wheeler	Elizabeth	Mundy
Jo	Thoburn	Travis	Witt		
Terry	Wear	Georgia	Alvis-Long		
Kasha	Nielsen	Joseph	Sonsmith		
John	Scott	Gene	Rose		
Linda	Bartlett	Anne	Fitzgerald		
Jackson	Miller	Jane	Ladd		
John	Cosgrove	Doug	Rogers		
Kevin	Gentry	Marie	Quinn		
Juanita	Balenger	Kristi	Way		
Suzanne	Curran	David	Fuller		
		Kevin	Corbett		

The Chairman designated Young Republican Federation of Virginia (YRFV) President Daniel Webb as head of the proxy committee. Eighteen proxies were in order and the following members were in attendance by proxy:

Anne P. Le Huray, proxy held by Paul Blumstein  
Jeanine M. Lawson, proxy held by Russ Moulton  
R. Allen Webb, proxy held by Jeremy E. Hodes  
Stephen Thomas, proxy held by Carolyn Worssam  
Jake Lee, proxy held by Katherine Gaziano  
K. Michelle Jenkins, proxy held by Ross Jenkins  
James P. Massie, III, proxy held by Greg Habeeb  
Al Aitken, proxy held by Richard McDonnell  
Noah Wall, proxy held by Meredith Wall  
Bryce E. Reeves, proxy held by Steve Martin  
Matthew A Burrow, proxy held by Robert Kenyon  
Miki (Mildred S.) Miller, proxy held by Jean M. Gannon  
Lynn Tucker, proxy held by Bill Harville  
Mickey Mixon, proxy held by Nate Boyer  
Chip Muir, proxy held by Lee Talley  
Cheryl Hargrove, proxy held by Gary Byler  
Peter A. Snyder, proxy held by Spike Williams  
Roger E. Miles, proxy held by Waverly Woods

Second District Member Carl Anderson made a motion that the first order of business in the new business discussion be an urgent legal matter regarding the 24th Senate District.

Mr. Russ Moulton, proxy for Jeanine Lawson, made a substitute motion that it be the second item of business after the Party Plan Amendments.

Third District Member Carol De Trique questioned the motion and that the body has not had enough time to review the situation and documents involved. Sixth District Chairman Wendall Walker, Virginia Federation of Republican Women (VFRW) Chair Linda Bartlett and Sixth District Member Georgia Alvis-Long agreed and suggested there was not enough notice given to take up the issue today.

Mr. Anderson said the issue needs to be decided as the deadline for filing the *Amicus* brief is July 7.

Eleventh District Member David Ray clarified that the motion was simply to put it on the agenda, not the merits of the point.

A call for the question on the substitute motion was made to add the issue to the agenda. The motion was seconded. With eighty members in attendance and forty-five in favor of the motion, the motion passed.

The Chairman announced the agenda in order for the meeting is the Party Plan Amendments, the 24<sup>th</sup> District situation, and then the vote on the RPV nominating process.

A motion to approve the minutes of March 15, 2015 meeting was made by Senator John Cosgrove and seconded. The motion passed.

A motion was made to approve the minutes of the August 2014 meeting that had been deferred in previous meetings. The motion was seconded and passed by the body.

A motion was made to go into Executive Session. The motion was seconded and passed.

A motion was made to come out of Executive Session at 2:04 pm. The motion was seconded and the SCC meeting proceeded.

The Treasurer and Finance Chairman reports were incorporated in Chairman's report during the Executive Session.

#### Old business:

Eleventh District Chairman Terry Wear made a motion that all the agenda items should be voted on through a secret ballot. Mr. Walker seconded the motion.

Mr. Moulton stated his opposition to the motion for the reason that grassroots activists have a right to know where members stand on the issues.

Eleventh District Member David Ray raised a Point of Order that the motion is out of order because it is not part of the agenda.

The Chairman appointed Kevin Gentry as temporary Parliamentarian, and he deferred the discussion of the motion until after the Party Plan Amendments are discussed.

#### Party Plan Amendments

Party Plan Committee Chair Eve Gleason gave a report on activity of the Party Plan Committee and presented to SCC Members their recommendations for Amendments to the Party Plan. She discussed each of the Amendments with an overhead presentation.

Ms. Gleason made a motion to approve the Party Plan Amendments as a block, seconded by Gary Byler.

Mrs. Bartlett suggested that those Amendments that were not unanimous recommendations by the Party Plan Committee be discussed separately.

The recommended Party Plan Amendments that passed unanimously in the committee were numbers 1,2,3,4,7 & 8.

Del. Jackson Miller made a motion to adopt those Amendments that had been passed unanimously as a block. The motion was seconded by Sen. John Cosgrove and passed.

Those Amendments are as follows:

**#1. Preamble:**

The preamble constitutes a mission & purpose statement for the RPV.

PREAMBLE

Purpose of Organization

The Republican Party of Virginia is a free association organized for the purposes of promoting the principles and achieving the objectives of the Republican Party, electing duly nominated or designated Republican candidates to public office, and performing official actions within the Commonwealth of Virginia, consistent with these purposes.

**#2. Definition: RPV**

"RPV" is already used this way in the Party Plan, but is nowhere defined.

Article II, #1

"State Party" or "Party" or "RPV" means Republican Party of Virginia

**#3. Definition: Voting Strength**

Moves formulas from the definition to Article VIII,

Section F.

Article II, #14

14 "Republican Party Voting Strength" means a uniform ratio of the votes cast in a political subdivision for the Republican candidates for Governor and President to the total votes cast in the entire Election District for the Republican candidates for Governor and President in the last preceding Gubernatorial and Presidential elections, **as calculated according to Article VIII, Section F.**

Article V

SECTION F. Unit Representation

Representation in all State and District Conventions shall be by Units based upon the Republican Party Voting Strength, but each unit shall be entitled to at least one delegate vote. In all proceedings for nominations for statewide office, the relevant Unit shall be entitled to one (1) delegate vote for each 250 votes. **In all proceedings at the District level, the relevant Unit shall be entitled to one (1) delegate vote for each 100 to 500 votes. In all proceedings at the local and Legislative District level, the relevant political subdivision shall be entitled to one (1) delegate vote for each 25 to 500 votes.** The exact number shall be decided by the appropriate Official District Committee and included in the call.

**For the purposes of, and limited to, determining the Republican Party Voting strength of a Military Delegation at a Party convention called to nominate a candidate for election to a public office, such Voting Strength shall be the average percentage of the Republican vote in the immediately preceding Gubernatorial and Presidential elections among all units and portions of units comprising the convention multiplied by the total number of active-duty military absentee votes cast in such units and portions of units in the same Gubernatorial and Presidential elections.**

#### **#4. Explanation of Pronouns**

Strikes Article II, #19 and adds sufficient explanatory language in the closing paragraph of Article II.

Article II, closing paragraph, NEW 1st sentence:

**With respect to this document, whenever the singular or plural number, or masculine or feminine or neuter gender, is used herein, it shall equally include the others as the context may require.**

Article II, NEW #27

28. "Political Party" means a formal organization which nominates candidates for public office.

#### **#7. Finance Committee**

Gives the chair flexibility for recruiting members of committee

Article III, Section E

##### **2. Finance Committee**

a. There shall be a State Finance Committee comprised of the State Finance Committee **Chairman, appointed by the State Chairman** and one (1) member from each District, who shall be appointed by the District Chairman. The State Chairman is authorized to appoint additional members to the State Finance Committee.

The Finance Committee shall be responsible for fund raising activities of the Party which shall be developed in coordination with the Budget Committee. **The State Chairman or the Finance Chairman shall provide the State Central Committee with regular updates on the activities of the Finance Committee.**

#### **#8. Consistency in Familial**

Relationships

Adds step-parents to definition of family member.

Article III, Section F

2. The term "material financial interest" shall mean a financial interest of any kind which, in view of all the circumstances, is substantial enough that it would, or reasonably could, affect a Responsible Person's or family member's judgment with respect to transactions in which the Party is involved. The term "family member" shall mean a spouse, parent, **spouse of a parent**, child, spouse of a child, brother, sister, or spouse of a brother or sister.

The Chairman announced that the remaining Amendments would receive five minutes each for debate and discussion.

Ms. Gleason proceeded to go through the other Amendments.

Mr. Gentry made a motion to table the Amendments under discussion to the next meeting. The motion was seconded and passed.

The Chairman thanked Ms. Gleason and the Party Plan Committee for their work on these Amendments to the Party Plan

#### 24<sup>th</sup> Senate District Committee Appeal

Pursuant to the earlier discussion regarding the 24<sup>th</sup> District situation, Mr. Anderson made a motion as follows:

1. The State Central Committee as the governing body of the Republican Party of Virginia, endowed with the authority to make definitive determinations about the application and interpretation of the Party Plan of Organization ("Plan"), hereby directs the Chairman to indicate the Party's rights violated by application of Virginia Code Section §24.2-509 and a misapplication of the provisions of the plan by US District Court for the Western District of Virginia in support of a mistaken inclusion that the Party has acceded to such violation of its rights. 2. Specifically, the Chairman shall direct that an appropriate Motion and *Amicus Curiae* brief be filed in the United States Court of Appeals for the Fourth District, vigorously supporting the position of the 24th Republican Senate District Committee. The Motion and the brief shall be filed as soon as possible, but regardless, no later than the period of time permitted for such filing under the federal rules of Federal Rules of Appellate Procedure. 3. The Chairman, on behalf of the party shall employ the services of Patrick J. McSweeney, Esquire for this purpose but shall expend no funds of the Party in doing so. 4. Mr. McSweeney is hereby given full authority to articulate in the aforesaid Motion and Brief such arguments which he believes reasonable and proper against the constitutionality of the Act and clarifying that the Act is not incorporated into the Plan, nor is the application facilitated or acceded to by the Plan. Further, Mr. McSweeney may file a reply brief, participate in oral argument and play such other role in the pending case as he deems appropriate in his best judgment.

First District Chairman Eric Herr seconded the motion.

A motion was made by Daniel Webb that would strike Paragraph 4, leaving it to the Chairman to decide on the legal strategy. The motion was seconded. Discussion ensued and then a vote was taken. The motion carried, thus the motion would be the first 3 points above.

Mr. Moulton spoke in favor of the motion, but made an addition of a paragraph four that the "State Central Committee hereby resolves that the Act is not incorporated into the Party Plan nor is facilitated by or acceded to the Plan."

The motion was seconded by Tenth District Member Heidi Stirrup. The amendment by Mr. Moulton was adopted.

After further discussion on the motion, the question was called. The motion is as follows:

1. The State Central Committee as the governing body of the Republican Party of Virginia, endowed with the authority to make definitive determinations about the application and interpretation of the Party Plan of Organization ("Plan"), hereby directs the Chairman to indicate the Party's rights violated by application of Virginia Code Section §24.2-509 and a misapplication of the provisions of the plan by US District Court for the Western District of Virginia in support of a mistaken inclusion that the Party has acceded to such violation of its rights. 2. Specifically, the Chairman shall direct that an appropriate Motion and *Amicus Curiae* brief be filed in the United States Court of Appeals for the Fourth District, vigorously supporting the position of the 24th Republican Senate District Committee. The Motion and the brief shall be filed as soon as possible, but regardless, no later than the period of time permitted for such filing under the federal rules of Federal Rules of Appellate Procedure. 3. The Chairman, on behalf of the party shall employ the services of Patrick J. McSweeney, Esquire for this purpose but shall expend no funds of the Party in doing so. 4. State Central Committee hereby resolves that the Act is not incorporated into the Party Plan nor is facilitated by or acceded to the Plan.

With the majority in favor, Mr. Anderson's amended motion was adopted.

#### 2015 Nomination process

Eleventh District Chairman Terry Wear made a motion to have the nomination vote taken via secret ballot. Mr. Walker seconded to the motion.

Mr. Herr made a substitute motion, calling for a roll call vote on the nomination process stating that "everyone stands up for their position and their vote." Mr. Ray seconded the motion and spoke in favor of it.

An in-depth discussion ensued on the merits of each motion with an emphasis on respect and unity within the body.

Senator Cosgrove called the question and was seconded.

Third District Chairman Chris Stearns requested a roll call vote on the substitute motion.

First District Congressional Member Allen Webb offered a substitute motion calling for a secret ballot for this vote. This motion was ruled out of order by the Chairman following a Parliamentary Inquiry as the request had already been made to have a roll call vote.

The Chairman explained that a roll call vote would be taken as the request by Mr. Stearns indicated. The roll call vote on Mr. Herr's substitute motion was as follows:

John	Whitbeck	--	Barbara	Tabb	No
Michael	Thomas	No	Stephen	Thomas	Aye
Morton	Blackwell	Aye	Chip	Muir	No
Kathy	Hayden	No	Steve	Trent	No
Diana	Banister	No	Bill	Flanagan	No
Rich	Nilsen	Aye	Rick	Michael	No
Chris	Marston	--	Bob	Wheeler	No
Pete	Snyder	Aye	Carole	de Triquet	No
Eric	Herr	Aye	Renee	Maxey	Aye
Curtis	Colgate	No	Chris	Shores	Aye
Chris	Stearns	Aye	Peyton	Knight	Aye
Jack	Wilson	No	ClaraBelle	Wheeler	No
Lynn	Tucker	No	Travis	Witt	Aye
Wendell	Walker	No	Georgia	Alvis-Long	No
Fred	Gruber	Aye	Mickey	Mixon	Aye
Mark	Kelly	Aye	Joseph	Sonsmith	Aye
Adam	Tolbert	No	Gene	Rose	Aye
Jo	Thoburn	Aye	Anne	Fitzgerald	Aye
Terry	Wear	No	Jane	Ladd	No
Kasha	Nielsen	No	Doug	Rogers	No
Daniel	Webb	No	Marie	Quinn	No
Linda	Bartlett	No	Kristi	Way	No
Jackson	Miller	Aye	David	Fuller	No
John	Cosgrove	No	Noah	Wall	Aye
Kevin	Gentry	No	Anne	LeHuray	Aye
Juanita	Balenger	No	Matthew	Burrow	Aye
Al	Aitken	Aye	Kevin	Corbett	No
Suzanne	Curran	Aye	Michelle	Jenkins	No
			Marcy	Hernick	No
			Jerry	Lester	No
Steve	Albertson	Aye	Susan	Edwards	Abstain
Jeanine	Lawson	Aye	Heidi	Stirrup	Aye
Larry	Kile	Aye	Julie	Williams	Aye
Allen	Webb	Aye	Mark	Berg	Aye
Carol	Dawson	Aye	Kay	Gunter	Aye
Roger	Miles	Aye	Eve	Gleason	Aye
Carl	Anderson	Aye	Keith	Damon	Abstain
Cheryl	Hargrove	Aye	Patsy	Drain	No
Stephen	Corazza	No	David	Ray	Aye

Devon	Flynn	No	Miki	Miller	No
Jake	Lee	No	Elizabeth	Mundy	No
Jeff	Wernsing	Aye	Jimmie	Massie	No
Michael	Wood	Aye	Bryce	Reeves	No

The meeting was adjourned while the vote was calculated. The Chairman called the meeting back to order at 3:44 pm.

Voting on the substitute motion, the roll call vote regarding the nominating process, the motion failed by a vote of 41 opposed, 39 in favor and 2 abstentions.

A Parliamentary Inquiry was raised regarding a current member of the State Central Committee in regards to whether he is a resident of the 3<sup>rd</sup> district. The matter was cleared up and shown that he is still a registered voter and a resident of the Commonwealth.

Back to the underlying motion by Mr. Wear to have a secret ballot, Del. Jackson called the question and the vote was taken by Members standing.

With 42 members voting in the affirmative, the motion to take a secret ballot on the 2016 nominating process passed.

Chairman Whitbeck explained the discussion parameters for those on both sides of the issue as to whether to have a primary or a convention next year. After two presentations on the options for the nominating method are given, each person speaking on the issue will receive one minute to make their case. The debate will be cut off at one hour.

First District Member Steve Albertson gave a presentation on the benefits of holding a convention in 2016.

Daniel Webb made a presentation on the benefits of a primary that was a plan developed by Third District Member Chip Muir, proposing a primary be the method in 2016 and a convention be the nominating method in 2017.

Chairman Whitbeck made a plea to the body that whatever is decided today, that the body stand together after it is over.

One hour for discussion and debate commenced.

Committeeman Morton Blackwell presented a resolution pursuant to the rules that a convention be the RPV nominating process in 2016. His motion is as follows:

1. That, pursuant to RNC Rule 16(d)(iii), the State Central Committee hereby selects the Republican Party in of Virginia's 2016 Quadrennial Convention as the authority that shall bind Virginia's delegation

to the 2016 Republican National Convention, and hereby declines to select, or bind delegates, via a state-run, open primary, as contemplated in Virginia Code §24.2-545.

2. That the State Central Committee appoints a committee co-chaired by Ms. Cathy McNickle and First District Representative Steve Albertson, with membership appointed by Chairman Whitbeck, to draft the necessary plans, procedures, and instructive materials pursuant to the RNC Rule 16(f) for adoption by the State Central Committee. The package to be drafted by the sub-committee shall include a draft Convention Call, draft rules, proposed filing fees for presidential and delegate candidates, proposed statewide uniform delegate pre-file forms and procedures, Convention timeline, proposed Convention voting procedures and such other materials that Chairman Whitbeck or sub-committee Co-Chairman Albertson may direct.

3. That the State Central Committee authorizes Chairman Whitbeck to take all necessary steps in due haste to secure the largest and best venue for the 2016 Quadrennial Convention, to be held on March 18-19, 2016, with a recommendation that the John Paul Jones Arena be given highest priority. The Chairman has the discretion to choose an alternative date if necessary and to secure a superior venue. The State Central Committee further authorizes the Chairman to expend the necessary funds for any down payment, or deposit for such facility, up to \$40,000, with the understanding that such advancement of funds that will be immediately paid back to RPV for the anticipated Presidential Candidate filing fees.

4. That the State Central Committee authorizes Chairman Whitbeck to call a meeting of the State Central Committee no later than the third week of September for the purpose of reviewing, amending, and approving the package of materials drafted by the committee that must be filed with the Secretary of the Republican National Committee no later than October 1st, 2015.

Mr. Blackwell's motion was seconded.

YRFV's Daniel Webb offered a Substitute Motion as follows:

In accordance with the state Party Plan, and the rules of the Republican National Committee, I move that Virginia's Delegates and Alternates to the 2016 National Convention shall be elected by the respective District and State Conventions, and that their votes be bound by the results of the Republican Presidential Primary, to be held on March 1, 2016.

The votes of Virginia's delegates, district, at-large Delegates, and Alternates, shall be bound on the first ballot, proportionally to candidates according to the votes received in the State-wide Presidential Primary vote. For the purpose of this allocation of votes, the State Chairman, National Committeewoman, and National Committeeman shall be considered unbound delegates.

In addition, it is recommended that RPV hold a 2017 nominating convention for Governor, Lt. Governor and Attorney General. RPV shall establish a restricted account to be used for convention expenses. Money can be donated or transferred to the account, if it's expressly designated, and can only be drawn for use to pay expenses related to the 2017 convention.

Mr. Webb's motion was seconded.

Debate and discussion commenced with numerous members speaking on both motions.

The question was called and the vote on the substitute motion by Mr. Webb was done through secret ballot. The ballots were handed to each member as their names were called from the roll.

At 5:03 p.m. the vote on the 2016 nomination process was taken. The meeting recessed as the votes were counted.

With a vote of 42 in favor and 40 opposed with one abstention, the substitute motion was adopted.

There was a brief discussion regarding how delegates would be selected proportionally in accordance with RNC rules. Mr. Blackwell made a Motion that a committee be appointed, similar to the one outlined in his previous motion, that would develop a plan for the primary and the rules regarding delegates that would be presented to the SCC at the September meeting. He emphasized that these issues must be discussed soon in order to comply with the RNC rules.

The motion was seconded and adopted.

As Majority Whip of the House of Delegates, Del. Jackson spoke of the need to focus not just on the Senate races next year but assuring that the House stays in Republican hands as well. He encouraged each Member to give 9 candidates in key races \$10 each in order to keep the majority next year.

Seventh District Chairman Fred Gruber announced a Coalition Assembly taking place in August with an emphasis on State Senate races.

Mr. Wear reported that the legal situation with a campaign manager under investigation for FEC violations has been resolved.

Ms. Nielsen gave a report on College Republicans with 29 chapters strong in the Commonwealth and events and deployments to help candidates across Virginia.

A Motion was made to adjourn the meeting. After a second and a vote on the motion, the meeting adjourned at 6:01 pm.

**State Central Committee**

**September 19, 2015**

**Richmond, VA**

The meeting was called to order by Chairman of the Republican Party of Virginia Chairman (RPV) John Whitbeck, at 2:05 pm. The meeting was held at the Republican Party headquarters in Richmond, VA.

The Invocation was given by Fourth District Chairman Jack Wilson.

The Chairman led the Pledge of Allegiance.

The Republican Creed was led by College Republican Federation of Virginia (CRFV) President Kasha Nielson.

The Chairman appointed a Proxy committee chaired by 7<sup>th</sup> District Member Jane Ladd with 10<sup>th</sup> District Member Heidi Stirrup and 9<sup>th</sup> District Member Kevin Corbett. They reported twenty-one proxies were in order.

Secretary Diana Banister called the roll. Those present were as follows:

John	Whitbeck	Steve	Albertson	Jane	Ladd
Michael	Thomas	Larry	Kile	Marie	Quinn
Morton	Blackwell	Carol	Dawson	Kristi	Way
Kathy	Hayden	Roger	Miles	Noah	Wall
Diana	Banister	Carl	Anderson	Kevin	Corbett
Rich	Nilsen	Cheryl	Hargrove	Michelle	Jenkins
Chris	Marston	Barbara	Tabb	Susan	Edwards
Pete	Snyder	Steve	Trent	Heidi	Stirrup
Eric	Herr	Bill	Flanagan	Julie	Williams
Jack	Wilson	Rick	Michael	Mark	Berg
Lynn	Tucker	Bob	Wheeler	Kay	Gunter
Wendell	Walker			Keith	Damon
Fred	Gruber	Carol	DeTriquet	Patsy	Drain
Terry	Wear	Renee	Maxey	Devon	Flynn
Kasha	Nielsen	Chris	Shores	Michael	Wood
Linda	Bartlett	Clara	Wheeler	Miki	Miller
John	Cosgrove	Georgia	Alvis-Long	Jimmie	Massie
Kevin	Gentry	Mickey	Mixon	John	Hager
Juanita	Balenger	Gene	Rose		
Suzanne	Curran	Anne	Fitzgerald		

Those in attendance via proxy were as follows:

Al Aitken, proxy held by Richard McDowell  
Mark Kelly, proxy held by Meredith Wall  
Stephen Corazza, proxy held by Chris Brown  
Curtis Colgate proxy held by David Bartholomew  
Adam Tolbert, proxy held by Zack Thompson  
Jerry Lester, proxy held by W. Wayne Thurston  
Marcy Hernick, proxy held by Aidan Williams  
Jackson Miller, proxy held by Rich Anderson  
Douglas Rogers, proxy held by John Hager  
David Fuller, proxy held by Donald Williams  
Daniel Webb, proxy held by Samantha Sedivy  
Sen. Bryce Reeves, proxy held by Sen. Steve Martin  
Matthew Burrow, proxy held by Robert Kenyon  
Eve Marie Gleason, proxy held by Michael Williams  
Jake Lee, proxy held by Benjamin Dessart  
Jo Thoburn, proxy held by Eric Johnson  
Elizabeth Mundy, proxy held by Terri Hauser  
Allen Webb, proxy held by Debra Harper  
Peyton Knight, proxy held by Shawna Shriner  
David Ray, proxy held by Fredy Burgos  
Heidi Stirrup, proxy held by Mark Sell

Regarding the minutes from the July 27 meeting, First District Member Carol Dawson had a correction. A motion was made to approve the minutes from the June 27 meeting with this correction. The motion was seconded and carried.

Chairman Whitbeck reported on the activities of the Party including a communications plan that will be more aggressive. He also said that regional political directors will be important to the work of the Party and are very effective at the local level for the upcoming elections. He said the goal in the coming months is Party unity which is very important to winning in 2016.

The Chairman discussed the decisions that will be made today and he reiterated his opposition to "slating." The body will vote on a "statement of affiliation" and decide on the process for allocating delegates next year.

There was a motion to move into executive session. The motion was seconded and carried. The meeting returned to regular order at 3:02 pm.

First District Chairman Eric Herr made a motion to approve the "Statement of Republican Party Affiliation" form (attached) that would be used at precincts for the 2016 primary. The proposed document was presented to the body with a line added at the bottom that an asterisk indicates a required field. The motion received a second.

Discussion commenced as to the appropriate statement and how it would be dispensed at polling places.

There was a motion to call the question. After a second, the question was called. The vote was counted by members standing. With forty-four in favor, a majority of the body present (74), the motion carried and the statement adopted.

The Chairman asked for a motion to remove from the agenda the discussion of a "loyalty pledge" of support by GOP nominees. The motion was made and seconded. The motion carried and the item was removed.

Chairman Whitbeck recognized Eastern Vice Chairman Kevin Gentry explained that a Committee had been assembled to put together the Call for the 2016 Convention the reasons there has to be a convention next year that will determine who will be delegates to the Republican National Convention. He reported that the requirements need to be completed and submitted to the Republican National Committee by Oct. 1. The Chairman assembled a Rules Committee to draft The Call that was chaired by Mr. Gentry and included Del. Jackson Miller, First District Members Allen Webb and Steve Albertson, CRFV's Daniel Webb, Eve Gleason, and Ninth District Chairman Adam Tolbert.

Mr. Gentry said the convention would take place at James Madison University in Harrisonburg, April 29-30, 2016. He made a motion to approve the draft official Call that had been sent to committee members via e-mail.

First District Member Steve Albertson made a motion to amend the Call by adding a military provision and clarifying the election of delegates and alternate delegates in order to prevent "slating." He explained the types of methods units may implement in choosing their delegates. He said these amendments would make for a smooth process without slating, and said First Vice Chairman Michael Thomas had been helpful in working out the language. The motion was seconded.

Virginia Federation of Republican Women representative Miki Miller suggested the Call needs to include the address of the convocation center at JMU.

Mr. Thomas made a motion offering several friendly amendments first changing back the allocation of delegates from "100" in Mr. Albertson amendments to "250" in the original. He made some edits to the "no slating" paragraph of the Election of Delegates and Alternate Delegates section (VI. (b)) on Page 4, Line 2 adding after the word "candidates" - "who met the requirements of Article I and where required, any pre-filing requirements." On Line 3 substituting the word "allowable" for "total" and adding "allowed under the plan" after the word "delegates." The motion was seconded.

Discussion commenced on the amendments by Mr. Thomas.

Del. Mark Berg raised a Point of Order that an issue brought up by another member does not deal with motion on the floor.

A motion was made to call the question. The motion was seconded and the question called.

Del. Berg had a Point of Inquiry on what the vote is determining. The Chairman clarified the amendments.

The amendments to the Call made by Mr. Thomas were approved and carried.

Del. Berg asked a question regarding language in Section VI b. line 5 on the filing fee and suggested the language should be changed to "the convention 'may'" instead of "shall."

After discussing the filing fee situation a concern over college students being able to pay the fee was mentioned by Ms. Nielsen. A Motion to strike that filing fee line was made by CRFV member Devon Flynn. The line to be deleted in Section VI, (b) line 5 "in no event shall delegate candidates who have not paid the requested filing fee be elected unless all delegate candidates who have paid the fee and who are qualified under Article I of the Plan shall have been elected first." The motion was seconded.

After further discussion, the Question was called. The motion by Mr. Flynn to strike the language failed.

Debate and discussion commenced on the underlying motion made by Mr. Albertson.

A motion to call the question was made and seconded. The vote on the amendments to the Call made by Mr. Albertson (attached) carried.

Proxy Member David Bartholomew made a Motion to change the filing date for candidates running for State Chairman to November 2015. The motion received a second and an explanation was given that the body needs to know who's running for state chair. This motion would revise Section 5 paragraph B, from Jan. 2016 to Nov. 2015.

Discussion commenced and the question called. The motion to change the date failed by voice vote.

Proxy Member Don Williams asked some questions regarding Section IV and the forms a unit can use and the forms necessary to be submitted. The word "canvass" was added to the method of nomination and Mr. Albertson made a motion to amend the section regarding Delegate Candidate Filing Procedures. The amended sentence would read as follows: "Delegate candidates required to submit pre-files may, if authorized in their respective unit's official call, do so, *centrally via the RPV Chairman. Such filings may be accomplished....electronically*" (and continuing on). On the fourth line the word "canvass" was inserted after "mass meeting" and before "or convention."

Discussion continued and the question called. The motion by Mr. Albertson on the additional language carried.

The Chairman asked for a motion to change the physical address of the RPV on page four to the P.O. The Motion was made, seconded and carried.

The Chairman also asked for a motion to allow the Secretary to make conforming changes to the Call as intended by the body. The Motion was made, seconded and carried.

National Committeeman Morton Blackwell had a question regarding the other official documents and the deadline for the filing of National Committeeman and Committeewoman.

Del. Berg made a Motion to change a word in Section VI, (a) the last line from "shall" to "may." Mr. Herr and Mr. Albertson discussed reasons why this change is not necessary. After further discussion, the question was called with a second. The motion failed.

Mr. Thomas brought up concerns regarding the 72-hour deadline for Certification of Delegates (Section VII.) following the election of the delegation. He suggested the deadline should be the same as what is reflected in the Party Plan.

After further discussion, Mr. Herr made a Motion to change the section, line 4 from "no later than" to "requested" and the rest to read as follows: "requested" 72 hours after (i) the election of the delegation, or (ii) if deemed elected pursuant to Section VI(d), the originally scheduled date of the election, but in no event less than sixteen (16) days prior to the convening of the Convention if postmarked or fourteen (14) days prior to the convening of said Convention if delivered electronically or in person (as indicated in Section H.1.c of the Party Plan).

The motion was seconded and Fourth District Chairman Jack Wilson made a motion to call the question.

The General Counsel, Chris Marston, reviewed with the Committee the documents that are required to be submitted to the Republican National Convention by October 1.

National Committeeman Morton Blackwell made a motion that the VA delegate allocation as reflected in committee's report be adopted. He stated that the delegates would be proportional but not congressional district. The motion was seconded and carried.

Mr. Wilson made a motion to table Party Plan Amendments until the next meeting. Following a second, the Motion carried.

Delegate Jimmie Massie gave a report from the House of Delegates stating that they are working towards 67 Republican members or better. He discussed the important seats where the team needs to focus in retaining seats and picking up more.

Ms. Nielsen reported on sexual assault awareness campaign that has been started on several campuses around the Commonwealth. She also announced CR deployments around the state to help candidates this fall.

A motion was made to adjourn the meeting. Following a second and vote in favor, the meeting adjourned at 4:44 pm.

**To:** General Registrars and Electoral Board Members  
**From:** Donald Palmer, Secretary, State Board of Elections   
**Re:** Instructions for Localities on Administering the Republican Presidential Primary Pledge  
**Date:** December 30, 2011

---

## **I. Introduction**

Section § 24.2-545(A) of the Code of Virginia allows for political parties to require, as a prerequisite to participating in a presidential primary, “the signing of a pledge by a voter of his intention to support the party’s candidate when offering to vote in the primary.” On December 5, 2011, The Republican Party of Virginia informed the State Board of Elections that they wished to exercise that option for the upcoming March 6, 2012 Presidential Primary to require a voter to sign a pledge that he/she will support the nominee of the Republican Party. At a December 28, 2011 meeting, the State Board approved this request and the forms (hereafter “pledge form(s)”) that will be utilized to implement the Republican Party’s request. (Please see the pledge forms attached to the email.)

The guidance below addresses issues related to administering this pledge requirement. SBE and the localities are charged with implementing this request and ensuring that a voter signs the pledge before being allowed to cast a ballot for the March 6 primary. This guidance addresses polling place issues on Election Day, absentee voting, FOIA and retention of documents, and accessibility concerns.

At the outset, one point needs to be made clear: **An individual who refuses to or fails to sign the pledge forms (labeled SBE-545(A) and SBE-545(A) AB) shall not be permitted to vote a regular ballot.**

## **II. Absentee Voting**

Below, please find guidance on absentee voting for the Presidential Primary:

**1. The pledge Forms must be included in all absentee ballot packages that are mailed to voters:**

- ✓ The pledge form is available in the SharePoint Forms Warehouse and also included as an attachment to the email with this memo. SBE asks that localities print this form themselves. Localities may later request reimbursement for the printing of these forms pursuant to § 24.2-545(F).

**2. Voters must complete and return the pledge form along with their voted ballot:**

- ✓ Voted ballots that are returned without the signed pledge should not be counted.

- ✓ The form instructions direct that the voter place the pledge form in the outside envelope addressed to the electoral board and not in Envelope B.

**3. Federal Write-In Absentee Ballot (FWAB) Voters:**

- ✓ The pledge will be posted on the SBE website with an alert for potential voters mailing in a FWAB. SBE will inform the Federal Voting Assistance Program (FVAP) of the requirement and ask the federal agency to disseminate to overseas and military voters via their website and social media.

**4. Request for Assistance:**

- ✓ Applicants who have requested assistance in voting (SBE-649(AB)), may receive assistance in completing the pledge form as part of voting as with Envelope B.

**5. Postage Considerations:**

- ✓ Please reweigh your absentee ballot package to make sure adding the additional page does not affect postage rates.

**6. Central Absentee Precinct Guidelines:**

- ✓ Any ballot returned without a pledge cannot be counted.

**7. In-Person Absentee Voting:**

- ✓ An in-person absentee voter who wishes to vote without completing a pledge form may be offered a provisional ballot.
- ✓ The officer of election should write on the provisional ballot envelope: "Refused to sign pledge."
- ✓ **The electoral board shall not count a provisional ballot without a signed pledge.**

**III. Election Day at the Polls**

**1. Supplies Needed:**

- ✓ **Pledge form to be signed by voter:**
  - SBE will provide these forms to you. The forms are expected to be available on pads which allow for the easy removal of each form by the officer of election to provide to the voter. The pledge forms are expected to be 8.5" x 3.5" and printed on plain white paper.
- ✓ **Polling Place Notice Sheet:**
  - Attached to the email with this memo is the .pdf of the Polling Place Notice. You are free to print this notice in any size or on any colored paper and post prominently at each polling location. You may submit the cost for printing this notice for reimbursement. SBE is exploring a design of a larger size poster to explain the requirement and process for placement in the polling place.
- ✓ **Container to Securely Store Signed Pledge Forms:**
  - Officers of election will need a container at each polling place for the signed pledge forms to be securely stored. These should be opened only by the Chief

or their Deputy. You may submit the cost for the purchase of additional containers, if needed, for reimbursement.

✓ **Envelopes to Transfer Signed Forms to Clerk of Court:**

- The signed forms will be transferred and stored by the Clerk of the Court (see Section V below). You may submit the cost for any needed additional envelopes for reimbursement.
- The envelope should be marked "Pledge Forms" and "Designated for Clerk of Court"

**2. Setup:**

- ✓ The pledge forms should be placed in an area where, prior to the voter being handed the ballot, the officer of election can easily tear off a sheet for the voter to sign.
- ✓ You are encouraged to place as many notice forms as possible so they are prominently displayed at each polling place and easily accessible to the officers of election so that they may point to it if voters question the pledge requirement. Again, you are free to enlarge the .pdf up to any size or print on any colored paper you feel is most appropriate.
- ✓ Pledge forms must be placed in a safe and secured container not accessible to the voters and large enough to hold all signed pledge forms. We recommend you plan on  $\frac{1}{2}$  the number of voters in the precinct.
- ✓ You will need enough envelopes to hold pledge forms for at least half of the number of voters in the precinct.

**3. Procedure:**

- ✓ A voter must sign the pledge form before the voter is allowed to vote. The officers of election should follow normal procedure, but should not check the voter in on the poll book until they have signed the pledge form. Once the form is signed and the voter is checked in on the poll book then the voter should be provided the opportunity to vote a regular ballot. (This is presuming the voter is otherwise eligible to vote.)
- ✓ The requirement will obviously upset some voters and some voters may refuse to sign. If the voter refuses to sign the pledge form, then they should be offered the opportunity to cast a provisional ballot. The reason for the provisional ballot may be hand-written by the poll worker and should state legibly, "Voter refused to sign pledge." This requirement may be met by the poll worker affixing a pre-print label on the provisional ballot that states "Voter refused to sign pledge" with the initial of the poll worker who placed the label on the provisional ballot.
- ✓ During Election Day, all signed forms must be placed in the sealed container which can be opened only by the Chief and the Deputy, but kept close enough so that poll workers may immediately deposit the signed form into the container after the voter has been checked in.
- ✓ At the close of polls, there is no need to corroborate the number of pledge forms with the poll book.
- ✓ The forms should simply be transferred from the safe and secure container to an envelope, sealed, and clearly marked "Primary Pledge Forms" and "Designated for Clerk of Court."

- ✓ In ascertaining the results of the election during the Canvass, the Electoral Board shall not accept any provisional ballots marked by an Officer of Election indicating the voter "Refused to sign pledge."

#### IV. Accessibility Issues

- ✓ A voter who completes an assistance form to receive assistance in voting absentee (SBE-649(AB)) or at the polling place (SBE-649), may receive assistance in completing the pledge form as part of voting. Follow directions on applicable form for providing assistance in voting.

#### V. Retention/FOIA Issues

- ✓ The pledge forms are election materials containing personal information. Controlling election law provisions require that these records are not open for public inspection and copying under the Freedom of Information Act (FOIA). Va. Code § 2.2-3703(B).
- ✓ Consistent with the Va. Const. Art. II § 3 provision for secrecy in balloting and the § 24.2-607(A) prohibition on hindering voters in casting a secret ballot, election law requires that these forms be transmitted and retained by the clerk of court for two years with limited provision for inspection: the SBE Secretary may allow inspection to ensure the accuracy of the returns or the purity of the election. §§24.2-513, 24.2-668, 24.2-669 and 24.2-710 *See* Library of Virginia Records Retention Schedule for Local Election Records, GS-1, Series 000510: [http://www.lva.virginia.gov/agencies/records/sched\\_local/GS-01.pdf](http://www.lva.virginia.gov/agencies/records/sched_local/GS-01.pdf). Challenge based on a pledge form is not authorized in § 24.2-651.

NOTICE TO VOTER

Section 24.2-545 of the Code of Virginia allows the political party holding a primary to determine requirements for voting in the primary. The Republican Party of Virginia has determined that the following pledge shall be a requirement of your participation. Any voter refusing to sign the pledge form cannot vote in this Republican Party nominating process.

PLEDGE

My signature below indicates that I am a Republican.

\_\_\_\_\_  
Signature of Voter\*

Printed Name of Voter\*

\_\_\_\_\_  
Email Address

Phone

*\*Required*

NOTICE TO VOTER

Section 24.2-545 of the Code of Virginia allows the political party holding a primary to determine requirements for voting in the primary. The Republican Party of Virginia has determined that the following pledge shall be a requirement of your participation. Any voter refusing to sign the pledge form cannot vote in this Republican Party nominating process.

PLEDGE

My signature below indicates that I am a Republican.

\_\_\_\_\_  
Signature of Voter\*

Printed Name of Voter\*

\_\_\_\_\_  
Email Address

Phone

*\*Required*

NOTICE TO VOTER

Section 24.2-545 of the Code of Virginia allows the political party holding a primary to determine requirements for voting in the primary. The Republican Party of Virginia has determined that the following pledge shall be a requirement of your participation. *To ensure that your ballot can be counted, please sign and print your name below and include this completed pledge alongside the Ballot(s) envelope inside the pre-addressed return envelope. Do not place this form inside the Ballot(s) envelope.*

PLEDGE

**My signature below indicates that I am a Republican.**

\_\_\_\_\_  
Signature of Voter\*

\_\_\_\_\_  
Printed Name of Voter\*

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Phone

*\*Required*

SBE-545(A)\_AB

REV 12/15

NOTICE TO VOTER

Section 24.2-545 of the Code of Virginia allows the political party holding a primary to determine requirements for voting in the primary. The Republican Party of Virginia has determined that the following pledge shall be a requirement of your participation. *To ensure that your ballot can be counted, please sign and print your name below and include this completed pledge alongside the Ballot(s) envelope inside the pre-addressed return envelope. Do not place this form inside the Ballot(s) envelope.*

PLEDGE

**My signature below indicates that I am a Republican.**

\_\_\_\_\_  
Signature of Voter\*

\_\_\_\_\_  
Printed Name of Voter\*

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Phone

*\*Required*

SBE-545(A)\_AB

REV 12/15

# NOTICE:

## REPUBLICAN PARTY REQUIREMENT

All voters must sign a pledge before voting.

Section 24.2-545 of the Code of Virginia allows the political party holding a primary to determine requirements for voting in the primary. The Republican Party of Virginia has determined that the following pledge shall be a requirement of your participation.

Any voter refusing to sign the pledge form cannot vote in this Republican Party nominating process.

The pledge reads:

My signature below indicates that I am a Republican.



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# General Registrars Full Time Request

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BOARD WORKING PAPERS  
Martin Mash  
ELECT Policy Advisor



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# Full-Time Request Charles City County

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BOARD WORKING PAPERS  
Martin Mash  
ELECT Policy Advisor



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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## Memorandum

**To:** Members of the State Board of Elections  
**From:** Edgardo Cortés, Commissioner  
**Date:** December 16, 2015  
**Subject:** Electoral Board Request for Full-Time Status for General Registrar

---

### Suggested motion for a Board member to make:

Move that the Board approve the request from the Electoral Board of Charles City County for the period of January 11, 2016 through March 11, 2016.

**Applicable Code Sections:** Chapter 3, 2014 Acts of the Assembly, Item 84(C)

### Attachments:

Your Board materials include the following

- Signed request for temporary full-time status from Charles City County Electoral Board

### Background:

The Virginia Budget authorizes and funds general registrars with a population in most counties under 10,000 and cities under 7,500 to work on a part-time basis for most of the year. While the Budget does provide funding for the registrars to be compensated to work full-time for the months surrounding each year's May General Election (March through May), the Budget does not account for other elections, including local elections and primaries.

Chapter 3, 2014 Acts of the Assembly, Item 84(C) (the "Budget") does include an appropriation from the general fund to provide temporary full-time status for part-time general registrars. Specifically, the Budget states:

C. Included in the appropriation for this Item is \$30,900 the first year and \$30,900 the second year from the general fund to provide temporary full-time status for part-time general registrars. Such temporary full-time status may be granted by the Board of Elections, upon request of the Local Electoral Board, in recognition of temporary or permanent increases in workload. In making its determination, the Board of Elections shall consider elections, if any, required to be conducted by the locality during January through July, and evidence submitted by the Local Electoral Board to document increases in workload. Such evidence shall include specific data with comparisons, by transaction type and by month experienced, of

past and present workloads. Temporary full-time status, if granted, may include all or part of the time normally worked on a part-time basis.

ELECT staff recommendation is to approve the request from Charles City County. The request is reasonable and reflects the timeframe in which the obligations for the March Primary reach the point where a part-time registrar should be in the office full-time. Part-time registrars have the same obligations as registrars in larger localities, including meeting important absentee ballot deadlines, administering in-person absentee voting and all the other assorted duties and responsibilities associated with properly administering an election.

**OFFICE OF THE ELECTORAL BOARD  
CHARLES CITY COUNTY  
BARBARA E. HAYES, SECRETARY  
Telephone Home: (804) 829-2663  
Telephone Work: (804) 359-4902 8:30 a.m. to 4:30 p.m.**

**December 07, 2015**

Rose Mansfield, Board Liaison & Agency Business Coordinator  
Office of the Commissioner and SBE  
DEPARTMENT OF ELECTIONS  
The Washington Building-Capitol Square  
1100 Bank Street  
Richmond, Virginia 23219

By Fax: (804) 371-0194 and Rose.Mansfield@elections.virginia.gov

Re: Electoral Boards Request for Full-Time Status for Registrar

Dear Ms. Mansfield:

The Charles City County Electoral Board respectfully requests that you authorize Catrinia Barneycastle, Registrar, to maintain office hours five days per week for a period of January 11, 2016 until March 11, 2016.

Mrs. Barneycastle is a part-time Registrar and we want to insure that our citizens have full time office hours to implement the voting process by being available for five days per week for this Republican-Democratic Primary.

We do not have to inform you of the amount of work that is entailed before any type of election, especially when you are alone and part-time as our Assistant is out of the office due to a knee replacement and other complications and had not been able to return. Therefore, we are making our request that our Registrar be full time for the above time period and hope that in the future this position will be full-time.

Thank you for your assistance and cooperation in this request.

Very truly yours,

Barbara E. Hayes, Secretary

BEH:  
c. Catrinia Barneycastle, Registrar



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STATE BOARD *of* ELECTIONS

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# Full-Time Request City of Buena Vista

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BOARD WORKING PAPERS  
Martin Mash  
ELECT Policy Advisor



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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## Memorandum

**To:** Members of the State Board of Elections  
**From:** Edgardo Cortés, Commissioner  
**Date:** December 16, 2015  
**Subject:** Electoral Board Request for Full-Time Status for General Registrar

---

### Suggested motion for a Board member to make:

Move that the Board approve the request from the Electoral Board of the City of Buena Vista for the period of January 1, 2016 through April 1, 2016.

**Applicable Code Sections:** Chapter 3, 2014 Acts of the Assembly, Item 84(C)

### Attachments:

Your Board materials include the following

- Signed request for temporary full-time status from City of Buena Vista Electoral Board

### Background:

The Virginia Budget authorizes and funds general registrars with a population in most counties under 10,000 and cities under 7,500 to work on a part-time basis for most of the year. While the Budget does provide funding for the registrars to be compensated to work full-time for the months surrounding each year's May General Election (March through May), the Budget does not account for other elections, including local elections and primaries.

Chapter 3, 2014 Acts of the Assembly, Item 84(C) (the "Budget") does include an appropriation from the general fund to provide temporary full-time status for part-time general registrars. Specifically, the Budget states:

C. Included in the appropriation for this Item is \$30,900 the first year and \$30,900 the second year from the general fund to provide temporary full-time status for part-time general registrars. Such temporary full-time status may be granted by the Board of Elections, upon request of the Local Electoral Board, in recognition of temporary or permanent increases in workload. In making its determination, the Board of Elections shall consider elections, if any, required to be conducted by the locality during January through July, and evidence submitted by the Local Electoral Board to document increases in workload. Such evidence shall include specific data with comparisons, by transaction type and by month experienced, of

past and present workloads. Temporary full-time status, if granted, may include all or part of the time normally worked on a part-time basis.

ELECT staff recommendation is to approve the request from the City of Buena Vista. The request is reasonable and reflects the timeframe in which the obligations for the March Primary reach the point where a part-time registrar should be in the office full-time. Part-time registrars have the same obligations as registrars in larger localities, including meeting important absentee ballot deadlines, administering in-person absentee voting and all the other assorted duties and responsibilities associated with properly administering an election.

**OFFICE OF THE ELECTORAL BOARD  
CITY OF BUENA VISTA**

**OCTOBER 26, 2015**

Edgardo Cortes, Secretary  
Department of Elections  
Richmond, Virginia 23219

By Fax: (804) 371-0194

Re: Temporary Extended Full-Time Status for Registrar

Dear Mr. Cortes:

The City of Buena Vista Electoral Board respectfully requests that you authorize Emilie F. Staton, Registrar, to continue to maintain office hours five days per week for the period of January 1, 2016 through April 1, 2016.

Mrs. Staton is a new Registrar, who will conduct her first election on November 3, 2015. As you will recall, our long-serving Registrar, Arlene Garrett, was killed in an automobile accident in July of this year. Emilie was thrust into this position with little previous training. She is diligent and hard working, but it is a steep learning curve.

In addition, it should be noted that the Board Secretary's term is ending on February 28, 2016, and a new Electoral Board member will be appointed.

In light of these circumstances, to ensure that the March, 2016, Presidential Primary will be conducted smoothly, we are requesting that our Registrar continue her full-time status through the above dates.

Thank you for your assistance and cooperation in this request.

Very truly yours,

Margaret A. McCaulley,

Electoral Board Secretary



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STATE BOARD *of* ELECTIONS

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# Full-Time Request Craig County

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BOARD WORKING PAPERS  
Martin Mash  
ELECT Policy Advisor



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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## Memorandum

**To:** Members of the State Board of Elections  
**From:** Edgardo Cortés, Commissioner  
**Date:** December 16, 2015  
**Subject:** Electoral Board Request for Full-Time Status for General Registrar

---

### Suggested motion for a Board member to make:

Move that the Board approve the request from the Electoral Board of Craig County for the period of January 1, 2016 through March 31, 2016.

**Applicable Code Sections:** Chapter 3, 2014 Acts of the Assembly, Item 84(C)

### Attachments:

Your Board materials include the following

- Signed request for temporary full-time status from the Craig County Electoral Board

### Background:

The Virginia Budget authorizes and funds general registrars with a population in most counties under 10,000 and cities under 7,500 to work on a part-time basis for most of the year. While the Budget does provide funding for the registrars to be compensated to work full-time for the months surrounding each year's May General Election (March through May), the Budget does not account for other elections, including local elections and primaries.

Chapter 3, 2014 Acts of the Assembly, Item 84(C) (the "Budget") does include an appropriation from the general fund to provide temporary full-time status for part-time general registrars. Specifically, the Budget states:

C. Included in the appropriation for this Item is \$30,900 the first year and \$30,900 the second year from the general fund to provide temporary full-time status for part-time general registrars. Such temporary full-time status may be granted by the Board of Elections, upon request of the Local Electoral Board, in recognition of temporary or permanent increases in workload. In making its determination, the Board of Elections shall consider elections, if any, required to be conducted by the locality during January through July, and evidence submitted by the Local Electoral Board to document increases in workload. Such evidence shall include specific data with comparisons, by transaction type and by month experienced, of

past and present workloads. Temporary full-time status, if granted, may include all or part of the time normally worked on a part-time basis.

ELECT staff recommendation is to approve the request from Craig County. The request is reasonable and reflects the timeframe in which the obligations for the March Primary reach the point where a part-time registrar should be in the office full-time. Part-time registrars have the same obligations as registrars in larger localities, including meeting important absentee ballot deadlines, administering in-person absentee voting and all the other assorted duties and responsibilities associated with properly administering an election.

# FAX FACE SHEET

**CRAIG COUNTY ELECTORAL BOARD  
P. O. BOX 8  
NEW CASTLE, VA 24127  
540-864-7300  
FAX 540-864-5551**

**DATE FAXED:** November 3, 2015

**FAXED BY:** Phyllis L. Singer, Secretary

**FAXED TO:** Edgardo Cortes - Department of Elections

**TELEPHONE/FAX #** 1-804-371-0194

**NUMBER PAGES FAXED:** 2

**CRAIG COUNTY ELECTORAL BOARD**

Shelby J. Rexrode, Chairman, Phyllis L. Sizer, Secretary

**115 Main Street****P. O. Box 8****New Castle, VA 24127****540-864-7300****Fax 540-864-5551**

November 3, 2015

Edgardo Cortes, Secretary  
Department of Elections  
1100 Bank Street  
Richmond, VA 23219

RE: Electoral Board Request for Full-Time Status for General Registrar

Dear Mr. Cortes:

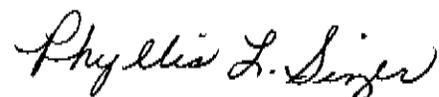
The Craig County Electoral Board respectfully requests that you authorize Mildred S. Bostic, General Registrar, to maintain office hours five days per week for a period of January 1, 2016 through March 31, 2016.

Mrs. Bostic is a part-time General Registrar and the Electoral Board wants to insure that our citizens have full time office hours to implement the voting process by being available for five days per week for the Presidential Primary.

We are certain that you are aware of the amount of work that is entailed before any type of election, especially when you are part-time. Therefore, we are requesting that our General Registrar be full time for the above stated period of time.

Thank you for your attention and assistance of this matter.

Sincerely,



Phyllis L. Sizer, Secretary

PLS:

cc: Mildred S. Bostic  
Clay Goodman, County Administrator



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STATE BOARD *of* ELECTIONS

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# Full-Time Request Galax City

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BOARD WORKING PAPERS  
Martin Mash  
ELECT Policy Advisor



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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## Memorandum

**To:** Members of the State Board of Elections  
**From:** Edgardo Cortés, Commissioner  
**Date:** December 16, 2015  
**Subject:** Electoral Board Request for Full-Time Status for General Registrar

---

### Suggested motion for a Board member to make:

Move that the Board approve the request from the Electoral Board of the City of Galax for the period of January 1, 2016 through June 17, 2016.

**Applicable Code Sections:** Chapter 3, 2014 Acts of the Assembly, Item 84(C)

### Attachments:

Your Board materials include the following

- Signed request for temporary full-time status from the City of Galax Electoral Board

### Background:

The Virginia Budget authorizes and funds general registrars with a population in most counties under 10,000 and cities under 7,500 to work on a part-time basis for most of the year. While the Budget does provide funding for the registrars to be compensated to work full-time for the months surrounding each year's May General Election (March through May), the Budget does not account for other elections, including local elections and primaries.

Chapter 3, 2014 Acts of the Assembly, Item 84(C) (the "Budget") does include an appropriation from the general fund to provide temporary full-time status for part-time general registrars. Specifically, the Budget states:

C. Included in the appropriation for this Item is \$30,900 the first year and \$30,900 the second year from the general fund to provide temporary full-time status for part-time general registrars. Such temporary full-time status may be granted by the Board of Elections, upon request of the Local Electoral Board, in recognition of temporary or permanent increases in workload. In making its determination, the Board of Elections shall consider elections, if any, required to be conducted by the locality during January through July, and evidence submitted by the Local Electoral Board to document increases in workload. Such evidence shall include specific data with comparisons, by transaction type and by month experienced, of

past and present workloads. Temporary full-time status, if granted, may include all or part of the time normally worked on a part-time basis.

ELECT staff recommendation is to approve the request from the City of Galax. The request is reasonable and reflects the timeframe in which the obligations for the March Primary reach the point where a part-time registrar should be in the office full-time. Part-time registrars have the same obligations as registrars in larger localities, including meeting important absentee ballot deadlines, administering in-person absentee voting and all the other assorted duties and responsibilities associated with properly administering an election.

**GALAX CITY ELECTORAL BOARD  
CITY OF GALAX, VIRGINIA  
111 E. GRAYSON ST., ROOM #102  
GALAX, VIRGINIA 24333  
PHONE: 276-236-7509 FAX: 276-236-2889**

October 26, 2015

Mr. Edgardo Cortés, Commissioner  
Virginia Department of Elections  
1100 Bank Street, 1<sup>st</sup> Floor  
Richmond, VA 23219

RE: Full-Time extension for General Registrar

Dear Commissioner Cortés:

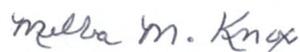
The Electoral Board for the City of Galax is requesting that Stacey L. Reavis, General Registrar, be granted full-time status for the period of January 1, 2016 through June 17, 2016. This request is submitted due to the increased level of election preparation that will be needed in order to successfully and accurately conduct the city's three "back-to-back" elections which will be the March 1, 2016 Presidential Primary Election, the May 3, 2016 General Election, and the June 14, 2016 Primary Election.

For reference, Chapter 3, 2014 Acts of Assembly, Item 84(C), states that Board of Elections may grant temporary full-time status, upon the request of the local Electoral Board, in recognition of temporary or permanent increase in workload.

This request is for the purposes of avoiding disenfranchisement of locality voters who are to be afforded the opportunity for absentee voting during the 45-days prior to each of these elections, as well as to allow for the possibility of additional necessary Electoral Board Canvass meetings on Thursday and/or Friday immediately following the aforementioned Election Days for consideration of Provisional Ballots requiring presentation of acceptable photo identification. As you know, there is always an increased workload associated with the administration of the absentee voting process in addition to all other Election Day preparatory duties. The complexities of preparing for any election with only the limited amount of time provided by the part-time schedule necessitates this request for expanded hours in order to ensure the professional, efficient, and accurate execution of the elections process as well as to ensure equality for all of our citizens and voters.

Please do not hesitate to contact me if you have any questions regarding our request.

Respectfully submitted,



Melba M. Knox,  
Secretary, Galax City Electoral Board



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# Full-Time Request Mathews County

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BOARD WORKING PAPERS  
Martin Mash  
ELECT Policy Advisor



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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## Memorandum

**To:** Members of the State Board of Elections  
**From:** Edgardo Cortés, Commissioner  
**Date:** December 16, 2015  
**Subject:** Electoral Board Request for Full-Time Status for General Registrar

---

### Suggested motion for a Board member to make:

Move that the Board approve the request from the Electoral Board of Mathews County for the period of January 1, 2016 through March 31, 2016.

**Applicable Code Sections:** Chapter 3, 2014 Acts of the Assembly, Item 84(C)

### Attachments:

Your Board materials include the following

- Signed request for temporary full-time status from the Mathews County Electoral Board

### Background:

The Virginia Budget authorizes and funds general registrars with a population in most counties under 10,000 and cities under 7,500 to work on a part-time basis for most of the year. While the Budget does provide funding for the registrars to be compensated to work full-time for the months surrounding each year's May General Election (March through May), the Budget does not account for other elections, including local elections and primaries.

Chapter 3, 2014 Acts of the Assembly, Item 84(C) (the "Budget") does include an appropriation from the general fund to provide temporary full-time status for part-time general registrars. Specifically, the Budget states:

C. Included in the appropriation for this Item is \$30,900 the first year and \$30,900 the second year from the general fund to provide temporary full-time status for part-time general registrars. Such temporary full-time status may be granted by the Board of Elections, upon request of the Local Electoral Board, in recognition of temporary or permanent increases in workload. In making its determination, the Board of Elections shall consider elections, if any, required to be conducted by the locality during January through July, and evidence submitted by the Local Electoral Board to document increases in workload. Such evidence shall include specific data with comparisons, by transaction type and by month experienced, of

past and present workloads. Temporary full-time status, if granted, may include all or part of the time normally worked on a part-time basis.

ELECT staff recommendation is to approve the request from Mathews County. The request is reasonable and reflects the timeframe in which the obligations for the March Primary reach the point where a part-time registrar should be in the office full-time. Part-time registrars have the same obligations as registrars in larger localities, including meeting important absentee ballot deadlines, administering in-person absentee voting and all the other assorted duties and responsibilities associated with properly administering an election.

# Mathews County Electoral Board



P. O. Box 328  
Mathews, VA 23109

## MEMORANDUM

TO: Edgardo Cortes, Commissioner, Virginia Department of Elections

FROM: Josephine B. Thorpe, Chairman

DATE: November 18, 2015

SUBJECT: Request to work full-time for March 1<sup>st</sup>, 2015 Presidential Primary

Please grant temporary full-time status, for January, February and March 2015, to Carla Faulkner, Registrar, Mathews County to enable her to carry out the increased workload.

*Chapter 847, 2007 Acts of Assembly, Item 1-86, paragraph C, states SBE may grant temporary full-time status upon the request of the local electoral board, in recognition of temporary or permanent increase in workload.*

- Preparation for the Primary Election on March 1, 2015
- Develop election official training program
- Absentee voting for the primary election will begin on January 14, 2015
- Recruiting and training election officials

I would appreciate your approval of the temporary full-time status to assure each voter has an equal opportunity and is not disenfranchised by our office hours. We attempt to provide the best service possible to our community and we feel it is being on a full-time basis will help us accomplish this.

Thank you for your consideration and if you have any questions please feel free to contact me.

Respectfully,

Josephine B. Thorpe  
Chairman



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STATE BOARD *of* ELECTIONS

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# Full-Time Request Richmond County

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BOARD WORKING PAPERS  
Martin Mash  
ELECT Policy Advisor



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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## Memorandum

**To:** Members of the State Board of Elections  
**From:** Edgardo Cortés, Commissioner  
**Date:** December 16, 2015  
**Subject:** Electoral Board Request for Full-Time Status for General Registrar

---

### Suggested motion for a Board member to make:

Move that the Board approve the request from the Electoral Board of Richmond County for the period of January 1, 2016 through April 1, 2016.

**Applicable Code Sections:** Chapter 3, 2014 Acts of the Assembly, Item 84(C)

### Attachments:

Your Board materials include the following

- Signed request for temporary full-time status from the Richmond County Electoral Board

### Background:

The Virginia Budget authorizes and funds general registrars with a population in most counties under 10,000 and cities under 7,500 to work on a part-time basis for most of the year. While the Budget does provide funding for the registrars to be compensated to work full-time for the months surrounding each year's May General Election (March through May), the Budget does not account for other elections, including local elections and primaries.

Chapter 3, 2014 Acts of the Assembly, Item 84(C) (the "Budget") does include an appropriation from the general fund to provide temporary full-time status for part-time general registrars. Specifically, the Budget states:

C. Included in the appropriation for this Item is \$30,900 the first year and \$30,900 the second year from the general fund to provide temporary full-time status for part-time general registrars. Such temporary full-time status may be granted by the Board of Elections, upon request of the Local Electoral Board, in recognition of temporary or permanent increases in workload. In making its determination, the Board of Elections shall consider elections, if any, required to be conducted by the locality during January through July, and evidence submitted by the Local Electoral Board to document increases in workload. Such evidence shall include specific data with comparisons, by transaction type and by month experienced, of

past and present workloads. Temporary full-time status, if granted, may include all or part of the time normally worked on a part-time basis.

ELECT staff recommendation is to approve the request from Richmond County. The request is reasonable and reflects the timeframe in which the obligations for the March Primary reach the point where a part-time registrar should be in the office full-time. Part-time registrars have the same obligations as registrars in larger localities, including meeting important absentee ballot deadlines, administering in-person absentee voting and all the other assorted duties and responsibilities associated with properly administering an election.

OFFICE OF THE ELECTORAL BOARD  
RICHMOND COUNTY  
NOVEMBER 04, 2015

NOV 17 AM 8:21

Lori Webb  
Attn: Voter Registration Office  
PO Box 1000  
Warsaw, Virginia 22572

Mr. Cortes  
Commissioner  
Virginia Department of Elections  
Washington Building  
First Floor, 1100 Bank Street  
Richmond, Virginia 23219

RE: Temporary Extension to Full-Time Status for Registrar

Dear Mr. Cortes:

Richmond County electoral board respectfully requests that you authorize Halle Keyser, Temporary Registrar, to continue to maintain office hours five days per week for the period of January 01, 2016 through April 01, 2016.

Ms. Keyser became the Temporary Registrar for Richmond County, Virginia October 09, 2015 when our registrar submitted her two weeks' notice. Halle has become immersed in the registrar process and given the minimal training received she has performed wonderfully.

This request is to cover a March Presidential Primary, Town Election in May and a June Primary. These elections necessitate more time serving our voters and community. The increased complexity and duties of the Registrar make it difficult to accomplish the job efficiently and in a professional matter on a limited schedule.

Please feel free to contact me if you have any questions.

Respectfully,



Lori Webb  
Secretary, Electoral Board



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STATE BOARD *of* ELECTIONS

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# Full-Time Request Surry County

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BOARD WORKING PAPERS  
Martin Mash  
ELECT Policy Advisor



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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## Memorandum

**To:** Members of the State Board of Elections  
**From:** Edgardo Cortés, Commissioner  
**Date:** December 16, 2015  
**Subject:** Electoral Board Request for Full-Time Status for General Registrar

---

### Suggested motion for a Board member to make:

Move that the Board approve the request from the Electoral Board of Surry County for the period of January 4, 2016 through June 30, 2016.

**Applicable Code Sections:** Chapter 3, 2014 Acts of the Assembly, Item 84(C)

### Attachments:

Your Board materials include the following

- Signed request for temporary full-time status from the Surry County Electoral Board

### Background:

The Virginia Budget authorizes and funds general registrars with a population in most counties under 10,000 and cities under 7,500 to work on a part-time basis for most of the year. While the Budget does provide funding for the registrars to be compensated to work full-time for the months surrounding each year's May General Election (March through May), the Budget does not account for other elections, including local elections and primaries.

Chapter 3, 2014 Acts of the Assembly, Item 84(C) (the "Budget") does include an appropriation from the general fund to provide temporary full-time status for part-time general registrars. Specifically, the Budget states:

C. Included in the appropriation for this Item is \$30,900 the first year and \$30,900 the second year from the general fund to provide temporary full-time status for part-time general registrars. Such temporary full-time status may be granted by the Board of Elections, upon request of the Local Electoral Board, in recognition of temporary or permanent increases in workload. In making its determination, the Board of Elections shall consider elections, if any, required to be conducted by the locality during January through July, and evidence submitted by the Local Electoral Board to document increases in workload. Such evidence shall include specific data with comparisons, by transaction type and by month experienced, of

past and present workloads. Temporary full-time status, if granted, may include all or part of the time normally worked on a part-time basis.

ELECT staff recommendation is to approve the request from Surry County. The request is reasonable and reflects the timeframe in which the obligations for the March Primary reach the point where a part-time registrar should be in the office full-time. Part-time registrars have the same obligations as registrars in larger localities, including meeting important absentee ballot deadlines, administering in-person absentee voting and all the other assorted duties and responsibilities associated with properly administering an election.

# General Registrar's Office



General Registrar  
Mrs. Lucille J. Epps

Surry County  
45 School Street  
P.O. Box 264  
Surry, Virginia 23883

PHONE: (757) 294-5213  
FAX: (757) 294-5285

**Members of Electoral Board**  
Michele Paulette Penn, Secretary  
Shaaron Pickett, Chairman  
John O. Newby, Vice Chairman

October 16, 2015

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

RE: Extension Full-Time for Registrar

Dear Commissioner Cortes:

The Electoral Board of Surry County is requesting the approval for Lucille J. Epps, General Registrar, to work on a full-time status for the period from January 4, 2016 through June 30, 2016.

This request is to cover a March Presidential Primary, Town Election in May, and a June Primary. These elections necessitates more time serving our voters and community. The increase complexity and duties of the Registrar make it difficult to accomplish the job efficiently and in a professional matter on a limited schedule.

Please feel free to contact me if you have any questions.

Respectfully,

Michael P. Penn  
Secretary, Electoral Board



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STATE BOARD *of* ELECTIONS

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# Full-Time Request Covington County

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BOARD WORKING PAPERS  
Martin Mash  
ELECT Policy Advisor



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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## Memorandum

**To:** Members of the State Board of Elections  
**From:** Edgardo Cortés, Commissioner  
**Date:** December 16, 2015  
**Subject:** Electoral Board Request for Full-Time Status for General Registrar

---

### Suggested motion for a Board member to make:

Move that the Board approve the request from the Electoral Board of the City of Covington for the period of January 1, 2016 through March 31, 2016.

**Applicable Code Sections:** Chapter 3, 2014 Acts of the Assembly, Item 84(C)

### Attachments:

Your Board materials include the following

- Signed request for temporary full-time status from the City of Covington Electoral Board

### Background:

The Virginia Budget authorizes and funds general registrars with a population in most counties under 10,000 and cities under 7,500 to work on a part-time basis for most of the year. While the Budget does provide funding for the registrars to be compensated to work full-time for the months surrounding each year's May General Election (March through May), the Budget does not account for other elections, including local elections and primaries.

Chapter 3, 2014 Acts of the Assembly, Item 84(C) (the "Budget") does include an appropriation from the general fund to provide temporary full-time status for part-time general registrars. Specifically, the Budget states:

C. Included in the appropriation for this Item is \$30,900 the first year and \$30,900 the second year from the general fund to provide temporary full-time status for part-time general registrars. Such temporary full-time status may be granted by the Board of Elections, upon request of the Local Electoral Board, in recognition of temporary or permanent increases in workload. In making its determination, the Board of Elections shall consider elections, if any, required to be conducted by the locality during January through July, and evidence submitted by the Local Electoral Board to document increases in workload. Such evidence shall include specific data with comparisons, by transaction type and by month experienced, of

past and present workloads. Temporary full-time status, if granted, may include all or part of the time normally worked on a part-time basis.

ELECT staff recommendation is to approve the request from the City of Covington. The request is reasonable and reflects the timeframe in which the obligations for the March Primary reach the point where a part-time registrar should be in the office full-time. Part-time registrars have the same obligations as registrars in larger localities, including meeting important absentee ballot deadlines, administering in-person absentee voting and all the other assorted duties and responsibilities associated with properly administering an election.

General Registrar



Electoral Board

## CITY OF COVINGTON

515 East Pine Street  
Covington, Virginia 24426

December 15, 2015

Dear Mr. Cortes,

The Covington City Electoral Board is asking The Department of Elections to allow Betty Leitch Temporary Full Time Status for January 1, 2016 – March 31, 2016, for the Presidential Primary.

With the Upcoming Presidential Primary, we feel we could better serve the voters with the extended hours of her office for absentee Voting, and also help her prepare for this Election.

Thank you for your consideration on this matter. We will await your response.

Sincerely,

Lewis D. Kemper, Secretary

A handwritten signature in cursive script that reads "Lewis D. Kemper".

Covington City Electoral Board

Cc : Betty Leitch, Milton Humphreys, William Caperton



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STATE BOARD *of* ELECTIONS

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# Full-Time Request Bland County

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BOARD WORKING PAPERS  
Martin Mash  
ELECT Policy Advisor



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DEPARTMENT *of* ELECTIONS

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## Memorandum

**To:** Members of the State Board of Elections  
**From:** Edgardo Cortés, Commissioner  
**Date:** December 16, 2015  
**Subject:** Electoral Board Request for Full-Time Status for General Registrar

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### Suggested motion for a Board member to make:

Move that the Board approve the request from the Electoral Board of Bland County for the period of January 19, 2016 through March 4, 2016.

**Applicable Code Sections:** Chapter 3, 2014 Acts of the Assembly, Item 84(C)

### Attachments:

Your Board materials include the following

- Signed request for temporary full-time status from Bland County Electoral Board

### Background:

The Virginia Budget authorizes and funds general registrars with a population in most counties under 10,000 and cities under 7,500 to work on a part-time basis for most of the year. While the Budget does provide funding for the registrars to be compensated to work full-time for the months surrounding each year's May General Election (March through May), the Budget does not account for other elections, including local elections and primaries.

Chapter 3, 2014 Acts of the Assembly, Item 84(C) (the "Budget") does include an appropriation from the general fund to provide temporary full-time status for part-time general registrars. Specifically, the Budget states:

C. Included in the appropriation for this Item is \$30,900 the first year and \$30,900 the second year from the general fund to provide temporary full-time status for part-time general registrars. Such temporary full-time status may be granted by the Board of Elections, upon request of the Local Electoral Board, in recognition of temporary or permanent increases in workload. In making its determination, the Board of Elections shall consider elections, if any, required to be conducted by the locality during January through July, and evidence submitted by the Local Electoral Board to document increases in workload. Such evidence shall include specific data with comparisons, by transaction type and by month experienced, of

past and present workloads. Temporary full-time status, if granted, may include all or part of the time normally worked on a part-time basis.

ELECT staff recommendation is to approve the request from Bland County. The request is reasonable and reflects the timeframe in which the obligations for the March Primary reach the point where a part-time registrar should be in the office full-time. Part-time registrars have the same obligations as registrars in larger localities, including meeting important absentee ballot deadlines, administering in-person absentee voting and all the other assorted duties and responsibilities associated with properly administering an election.



December 15, 2015

**COUNTY  
of  
BLAND**

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

RE: Temporary full-time status for Registrar

**ELECTORAL  
BOARD**

Commissioner Cortés:

**W. Bruce Justice**  
Chairman

The Electoral Board of the County of Bland respectfully requests your approval of temporary full-time work hours for our General Registrar, Stacy Tibbs Grady.

**Lonnie E. Keene**  
Vice Chairman

This full-time status would be from January 19, 2016 thru March 4, 2016 in order to prepare and complete the duties of this office for the March 2016 Dual Primary Election.

**Dorothy S. Kidd**  
Secretary

We appreciate your consideration of this request. If you have any questions concerning this request, please contact the Registrar, Mrs. Grady.

**Stacy Tibbs Grady**  
General Registrar

Sincerely,

Dorothy S. Kidd  
Secretary, Electoral Board  
County of Bland

P.O. Box 535  
Bland, Virginia 24315

Telephone 276 688 4441  
Fax 276 688 3552

Email:  
[govote021@embarqmail.com](mailto:govote021@embarqmail.com)



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# Full-Time Request Lexington City

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BOARD WORKING PAPERS  
Martin Mash  
ELECT Policy Advisor



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DEPARTMENT *of* ELECTIONS

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## Memorandum

**To:** Members of the State Board of Elections  
**From:** Edgardo Cortés, Commissioner  
**Date:** December 16, 2015  
**Subject:** Electoral Board Request for Full-Time Status for General Registrar

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### Suggested motion for a Board member to make:

Move that the Board approve the request from the Electoral Board of the City of Lexington for the period of January 15, 2016 through March 4, 2016.

**Applicable Code Sections:** Chapter 3, 2014 Acts of the Assembly, Item 84(C)

### Attachments:

Your Board materials include the following

- Signed request for temporary full-time status from the City of Lexington Electoral Board

### Background:

The Virginia Budget authorizes and funds general registrars with a population in most counties under 10,000 and cities under 7,500 to work on a part-time basis for most of the year. While the Budget does provide funding for the registrars to be compensated to work full-time for the months surrounding each year's May General Election (March through May), the Budget does not account for other elections, including local elections and primaries.

Chapter 3, 2014 Acts of the Assembly, Item 84(C) (the "Budget") does include an appropriation from the general fund to provide temporary full-time status for part-time general registrars. Specifically, the Budget states:

C. Included in the appropriation for this Item is \$30,900 the first year and \$30,900 the second year from the general fund to provide temporary full-time status for part-time general registrars. Such temporary full-time status may be granted by the Board of Elections, upon request of the Local Electoral Board, in recognition of temporary or permanent increases in workload. In making its determination, the Board of Elections shall consider elections, if any, required to be conducted by the locality during January through July, and evidence submitted by the Local Electoral Board to document increases in workload. Such evidence shall include specific data with comparisons, by transaction type and by month experienced, of

past and present workloads. Temporary full-time status, if granted, may include all or part of the time normally worked on a part-time basis.

ELECT staff recommendation is to approve the request from the City of Lexington. The request is reasonable and reflects the timeframe in which the obligations for the March Primary reach the point where a part-time registrar should be in the office full-time. Part-time registrars have the same obligations as registrars in larger localities, including meeting important absentee ballot deadlines, administering in-person absentee voting and all the other assorted duties and responsibilities associated with properly administering an election.

**ELECTORAL BOARD  
CITY OF LEXINGTON**

300 East Washington Street  
P.O. Box 922  
Lexington, VA 24450  
Tel: (540) 462-3706 ♦ Fax: (540) 463-5310

**Robert N. Hopkins - Chair**  
**Dorothy S. Blackwell – Vice Chair**  
**Vicki C. Turner - Secretary**  
Email: [votelex@ci.lexington.va.us](mailto:votelex@ci.lexington.va.us)

December 8, 2015

Ms. Singleton B. McAllister, Esq.  
Secretary, State Board of Elections  
1100 Bank Street  
Richmond, VA 23219

Dear Ms. McAllister,

Given that the State of Virginia will conduct a Dual Presidential Primary on March 1, 2016, the City of Lexington Electoral Board respectfully requests your authorization for funding of our Voter Registrar, Jan W. Yowell, to maintain office hours five (5) days per week for the period starting January 15, 2016 through March 4, 2016 for an estimated cost of \$2,803.51.

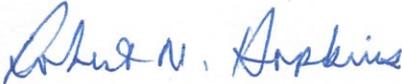
We request the additional funds to open our Voter Registrar office for an additional two (2) days per week for seven (7) weeks prior to the March 1, 2016 Primary and for the one (1) week of the Primary. We stress that we are asking for the absolute minimum that, we believe, is necessary to meet our obligations and to serve our voters in the City of Lexington.

We make this request to have the office open for the two (2) additional days for the following reason:

We believe that the election process is fundamental to a democracy and that all citizens should have equal access to that process. When absentee voting is limited to three (3) days per week some of our voters are denied equal access. This is particularly important for a Primary when the absentee voting period is relatively short. Absentee voting for the Primary will commence January 15, 2016. It is also critical for a voter submitting a 'mail request' that their application is processed upon receipt. If an application arrives on a Thursday afternoon and the ballot is then not mailed from our Lexington office until Monday, this delay could deny the voter ample time to receive and return the ballot.

We are requesting additional funding only for the period stated above which, we believe, is essential to accommodate our voters and Officers of Election.

Sincerely,



Robert N. Hopkins  
Chair, Lexington Electoral Board

Dorothy S. Blackwell  
Vice Chair, Lexington Electoral Board



Vicki C. Turner  
Secretary, Lexington Electoral Board



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STATE BOARD *of* ELECTIONS

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# Electronic Pollbooks Certification

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BOARD WORKING PAPERS  
Edgardo Cortés  
ELECT Commissioner



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DEPARTMENT *of* ELECTIONS

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## Memorandum

To: Members of the State Board of Elections  
From: Edgardo Cortes, Commissioner  
Date: December 16, 2015  
Re: Certification of ES&S Electronic Pollbook System

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### Suggested motion for a Board member to make:

I move that the Board certify the ES&S Electronic Pollbook System for use in elections in the Commonwealth of Virginia, pursuant to the *Electronic Pollbook Certification: Procedures & Requirements*.

Provided that:

- Prior to entering into any contractual agreements for this solution, the locality must review the contract with the Department of Elections in its role as data owner and the Department of Elections must approve the contract language related to data security standards;
- And the Department of Elections must be able to audit the installation of this solution prior to its being deployed for use in any election.

**Applicable Code Sections:** § 24.2-611(D), §2.2-3803, §2-2.2009.

### Attachments:

Your Board materials include the following:

- VITA Security Analysis of ES&S Electronic Pollbook Solution
- VITA Information Technology Resource Management Information Security Standard 501-09
- VAEPB Certification Procedures and System Requirements REV-0515

### Background:

Following the steps prescribed in the *Electronic Pollbook Certification: Procedures & Requirements*, ES&S initiated the certification evaluation by a letter to the Virginia Department of Elections on June 4, 2015. ES&S also provided their corresponding Technical Data Package

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DEPARTMENT *of* ELECTIONS

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and Corporate Information (required under section 2 of the *Procedures & Requirements*). Both of these submissions were deemed complete and in sufficient detail to warrant starting the certification as detailed under section 3 of the *Procedures & Requirements*.

The State Board of Elections electronic pollbook certification guidelines require that all electronic pollbooks are tested in a pilot election prior to final certification as specified in section 2.2.5 of the VAEPB Certification Procedures and System Requirements REV-0515. During such a test election for this EPB solution, a wireless error was discovered that affected voter registration records. This flaw had not been previously discovered in the course of the certification testing protocols since wireless communication and its security was not included in the certification guidelines.

Subsequently, the Department of Elections consulted with the Virginia Information Technologies Agency (VITA) and VITA recommended that all EPB solutions be subjected to an end-to-end security analysis and penetration test as part of the certification process. In September 2015, the Board voted to revise the certification process to include this new testing regime. It was understood at the time that three EPB solutions were in the certification process and that all of these solutions would be governed by this additional certification requirement.

VITA began its end-to-end security analysis and penetration tests in mid-September and provided its final reports to the Department of Elections in December. In the course of its review of these EPB solutions, VITA discovered that this EPB solution relied on external storage of sensitive voter registration information and reminded the Department of Elections of its responsibilities as the data owner of sensitive Commonwealth data. Previously, the level of analysis of EPB solutions required under certification guidelines would not have uncovered this potential violation of data security policies.

Specifically, VITA discovered that this solution may use external storage of data that would put these sensitive records outside the control of the Commonwealth. The Commonwealth of Virginia requires that all data classified as sensitive with respect to confidentiality, integrity, or availability remain within the geographical boundaries of the Commonwealth and that data classified as sensitive be housed only within facilities owned or leased by the Commonwealth.

During the functional configuration audit (section 3.3), the Virginia Information Technologies Agency (VITA) conducted an end-to-end security analysis and penetration test of the solution. ES&S provided VITA with both wireless and wired ExpressPoll kits. The wireless kit included two Toshiba Encore 2 tablets with chargers, a CradlePoint MBR1200B-fc3 small business wireless router kit, and a Verizon UML290VW-G MiFi adapter for internet access. The wired kit included two Toshiba Encore 2 tablets with chargers, a Dlink DGS-1005G 5-port switch, and two TrippLite U336-U03-GB USB 3.0 hubs with gigabit Ethernet.

Using this vendor provided configuration, VITA determined that:



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DEPARTMENT *of* ELECTIONS

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“The Wi-Fi network name, referred as the service set identifier (SSID), was broadcast where it could be seen by other devices with a wireless network adapter.”

As detailed in section 3.3.2 of the VAEPB Certification Procedures and System Requirements REV-0515:

“All Precinct EPBs must be connect[ed] via a closed wireless non-SSID broadcasting router with WPA/WPA2 encryption methodology employed, including an additional filtration scenario to allow only the known Precinct EPB devices the ability to connect to the wireless network.”

The vendor has been notified of this peripheral configuration requirement and for use in an election the peripheral devices will need to be configured in accordance with Commonwealth certification requirements.

Please note that this vendor also submitted this EPB solution to VITA for testing using wired connectivity on September 25, 2015. The wired connectivity configuration of this EPB solution has not yet been used in a test/pilot election as required by section 2.2.5 of the VAEPB Certification Procedures and System Requirements REV-0515. Therefore, at this time, Department of Elections makes no recommendations for or against certifying this configuration.

Additionally, VITA noted:

“During testing, it was discovered that ES&S supports local and cloud-based architectural models. Both require the storage and processing of commonwealth data at vendor-controlled or vendor-contracted facilities. This places commonwealth data outside the control of the commonwealth and may incur additional risk to confidentiality, integrity and availability of voter registration data not encountered in other electronic pollbook solutions currently in use by ELECT.”

**Summary:**

In light of this end-to-end review, the Department of Elections is reviewing its current certification requirements and data ownership and audit requirements as detailed in the Information Technology Resource Management Information Security Standard 501-09 Media Protection Policy and Procedures prepared by the Chief Information Officer (CIO) of the Commonwealth. As such, in order for this solution to be deployed in any locality a system configuration architectural document will be provided to and approved by the Department of Elections prior to implementing this solution.



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DEPARTMENT *of* ELECTIONS

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For this solution to be in conformance with the information security standards, it must be installed on systems within the control of the commonwealth and should protect any sensitive information consistent with the 501-09 standard.

Additionally, prior to entering into any contractual agreements for this solution, the locality must review the contract with the Department of Elections in its role as data owner. Lastly, the Department of Elections must be able to audit the installation of this solution prior to its being deployed for use in any election.



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DEPARTMENT *of* ELECTIONS

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## Memorandum

To: Members of the State Board of Elections  
From: Edgardo Cortes, Commissioner  
Date: December 16, 2015  
Re: Certification of KNOWiNK Electronic Pollbook System

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### Suggested motion for a Board member to make:

I move that the Board certify the KNOWiNK Electronic Pollbook System for use in elections in the Commonwealth of Virginia, pursuant to the *Electronic Pollbook Certification: Procedures & Requirements*.

Provided that:

- Prior to entering into any contractual agreements for this solution, the locality must review the contract with the Department of Elections in its role as data owner and the Department of Elections must approve the contract language related to data security standards;
- And the Department of Elections must be able to audit the architecture and installation of this solution prior to use in any election.

**Applicable Code Sections:** § 24.2-611(D), §2.2-3803, §2-2.2009.

### Attachments:

Your Board materials include the following:

- VITA Security Analysis of KNOWiNK Electronic Pollbook Solution
- VITA Information Technology Resource Management Information Security Standard 501-09
- VAEPB Certification Procedures and System Requirements REV-0515

### Background:

Following the steps prescribed in the *Electronic Pollbook Certification: Procedures & Requirements*, KNOWiNK initiated the certification evaluation by a letter to the Virginia Department of Elections on May 27, 2015. KNOWiNK also provided their corresponding

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Technical Data Package and Corporate Information (required under section 2 of the *Procedures & Requirements*). Both of these submissions were deemed complete and in sufficient detail to warrant starting the certification as detailed under section 3 of the *Procedures & Requirements*.

The State Board of Elections electronic pollbook certification guidelines require that all electronic pollbooks are tested in a pilot election prior to final certification as specified in section 2.2.5 of the VAEPB Certification Procedures and System Requirements REV-0515. During such a test election for a different vendor's EPB solution, a wireless error was discovered that affected voter registration records. This flaw had not been previously discovered in the course of the certification testing protocols since wireless communication and its security was not included in the certification guidelines.

Subsequently, the Department of Elections consulted with the Virginia Information Technologies Agency (VITA) and VITA recommended that all EPB solutions be subjected to an end-to-end security analysis and penetration test as part of the certification process. In September 2015, the Board voted to revise the certification process to include this new testing regime. It was understood at the time that three EPB solutions were in the certification process and that all of these solutions would be governed by this additional certification requirement.

VITA began its end-to-end security analysis and penetration tests in mid-September and provided its final reports to the Department of Elections in December. In the course of its review of these EPB solutions, VITA discovered that this EPB solution relied on external storage of sensitive voter registration information and reminded the Department of Elections of its responsibilities as the data owner of sensitive Commonwealth data. Previously, the level of analysis of EPB solutions required under certification guidelines would not have uncovered this potential violation of data security policies.

Specifically, VITA discovered that this solution may use external storage of data that would put these sensitive records outside the control of the Commonwealth. The Commonwealth of Virginia requires that all data classified as sensitive with respect to confidentiality, integrity, or availability remain within the geographical boundaries of the Commonwealth and that data classified as sensitive be housed only within facilities owned or leased by the Commonwealth.

During the functional configuration audit (section 3.3), the Virginia Information Technologies Agency (VITA) conducted an end-to-end security analysis and penetration test of the solution. KNOWiNK provided VITA with two PollPad kits. Each kit was comprised of an iPad, PollPad stand, Apple Lightning charger and cable, and TSP 650 II wireless printer. In addition, a Verizon JetPack 4G LTE MiFi was included for wireless network connectivity.

Using this vendor provided configuration, VITA determined that:



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“The PollPad infrastructure Wi-Fi (IEEE 802.11) network was established using the provided Verizon JetPack MiFi device. This network was secured utilizing the Wi-Fi Protected Access II (WPA2) protocol. The Wi-Fi network name, referred as the Service Set Identifier (SSID), was broadcast where it could be seen by other devices with a wireless network adapter.”

As detailed in section 3.3.2 of the VAEPB Certification Procedures and System Requirements REV-0515:

“All Precinct EPBs must be connect[ed] via a closed wireless non-SSID broadcasting router with WPA/WPA2 encryption methodology employed, including an additional filtration scenario to allow only the known Precinct EPB devices the ability to connect to the wireless network.”

The vendor has been notified of this peripheral configuration requirement and for use in an election the peripheral devices will need to be configured in accordance with Commonwealth certification requirements.

Additionally, VITA noted:

“It was discovered that the KNOWiNK PollPad electronic pollbook solution utilizes a third-party hosted service to store and process poll book data at a location outside the control of the commonwealth. The use of a third-party hosted service to store and process voter information may incur additional risks to the confidentiality, integrity and availability of the data.”

**Summary:**

In light of this end-to-end review, the Department of Elections is reviewing its current certification requirements and data ownership and audit requirements as detailed in the Information Technology Resource Management Information Security Standard 501-09 Media Protection Policy and Procedures prepared by the Chief Information Officer (CIO) of the Commonwealth. As such, in order for this solution to be deployed in any locality a system configuration architectural document will be provided to and approved by the Department of Elections prior to implementing this solution.

For this solution to be in conformance with the information security standards, it must be installed on systems within the control of the commonwealth and should protect any sensitive information consistent with the 501-09 standard.

Additionally, prior to entering into any contractual agreements for this solution, the locality must review the contract with the Department of Elections in its role as data owner. Lastly, the Department of Elections must be able to audit the installation of this solution prior to its being deployed for use in any election.



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## Memorandum

To: Members of the State Board of Elections  
From: Edgardo Cortes, Commissioner  
Date: December 16, 2015  
Re: Certification of Robis Electronic Pollbook System

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### Suggested motion for a Board member to make:

I move that the Board certify the Robis Electronic Pollbook System for use in elections in the Commonwealth of Virginia, pursuant to the *Electronic Pollbook Certification: Procedures & Requirements*.

Provided that:

- Prior to entering into any contractual agreements for this solution, the locality must review the contract with the Department of Elections in its role as data owner and the Department of Elections must approve the contract language related to data security standards;
- And the Department of Elections must be able to audit the installation of this solution prior to its being deployed for use in any election.

**Applicable Code Sections:** § 24.2-611(D), §2.2-3803, §2-2.2009.

### Attachments:

Your Board materials include the following:

- VITA Security Analysis of Robis Electronic Pollbook Solution
- VITA Information Technology Resource Management Information Security Standard 501-09
- VAEPB Certification Procedures and System Requirements REV-0515

### Background:

Following the steps prescribed in the *Electronic Pollbook Certification: Procedures & Requirements*, Robis initiated the certification evaluation by a letter to the Virginia Department of Elections on June 15, 2015. Robis also provided their corresponding Technical Data

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Package and Corporate Information (required under section 2 of the *Procedures & Requirements*). Both of these submissions were deemed complete and in sufficient detail to warrant starting the certification as detailed under section 3 of the *Procedures & Requirements*.

The State Board of Elections electronic pollbook certification guidelines require that all electronic pollbooks are tested in a pilot election prior to final certification as specified in section 2.2.5 of the VAEPB Certification Procedures and System Requirements REV-0515. During such a test election for a different vendor's EPB solution, a wireless error was discovered that affected voter registration records. This flaw had not been previously discovered in the course of the certification testing protocols since wireless communication and its security was not included in the certification guidelines.

Subsequently, the Department of Elections consulted with the Virginia Information Technologies Agency (VITA) and VITA recommended that all EPB solutions be subjected to an end-to-end security analysis and penetration test as part of the certification process. In September 2015, the Board voted to revise the certification process to include this new testing regime. It was understood at the time that three EPB solutions were in the certification process and that all of these solutions would be governed by this additional certification requirement.

VITA began its end-to-end security analysis and penetration tests in mid-September and provided its final reports to the Department of Elections in December. In the course of its review of these EPB solutions, VITA discovered that this EPB solution has an option to utilize external storage of sensitive voter registration information and reminded the Department of Elections of its responsibilities as the data owner of sensitive Commonwealth data. Previously, the level of analysis of EPB solutions required under certification guidelines would not have uncovered this potential violation of data security policies.

Specifically, VITA discovered that this optional configuration of this solution may make use of external storage of data that would put these sensitive records outside the control of the Commonwealth. The Commonwealth of Virginia requires that all data classified as sensitive with respect to confidentiality, integrity, or availability remain within the geographical boundaries of the Commonwealth and that data classified as sensitive be housed only within facilities owned or leased by the Commonwealth.

During the functional configuration audit (section 3.3), the Virginia Information Technologies Agency (VITA) conducted an end-to-end security analysis and penetration test of the solution. Robis provided VITA with one ePollbook kit leveraging wireless network communications. This kit was comprised of two HP ElitePad tablets, one CradlePoint MBR1200B small business router, and two Bixolon SPP-R200II wireless printers. In addition, a Verizon NRM-MC551 4G LTE USB adapter was included for internet connectivity.



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Providing that localities implementing this solution follow certain best practices in deploying these systems, this solution should conform to state certification guidelines. Please note that the VITA end-to-end performance test indicated that the solution encrypts sensitive data at rest using AES-128 encryption. The state certification standard is a minimum of AES-256 and the vendor has indicated that this is an additional configuration option available for this solution.

Additional VITA noted:

“Robis supports a client-server architectural model where the server can be located at either a customer-controlled facility or at Robis’s data center. Hosting with Robis requires the storage and processing of commonwealth data at vendor-controlled or vendor-contracted facilities. This places commonwealth data outside the control of the commonwealth and may incur additional risk to confidentiality, integrity and availability of voter registration data not encountered in other electronic pollbook solutions currently in use by ELECT.”

**Summary:**

In light of this end-to-end review, the Department of Elections is reviewing its current certification requirements and data ownership and audit requirements as detailed in the Information Technology Resource Management Information Security Standard 501-09 Media Protection Policy and Procedures prepared by the Chief Information Officer (CIO) of the Commonwealth. As such, in order for this solution to be deployed in any locality a system configuration architectural document will be provided to and approved by the Department of Elections prior to implementing this solution.

For this solution to be in conformance with the information security standards, it must be installed on systems within the control of the commonwealth and should protect any sensitive information consistent with the 501-09 standard.

Additionally, prior to entering into any contractual agreements for this solution, the locality must review the contract with the Department of Elections in its role as data owner. Lastly, the Department of Elections must be able to audit the installation of this solution prior to its being deployed for use in any election.



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# SB11 Workgroup Final Report

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BOARD WORKING PAPERS  
Matt Davis  
ELECT CIO



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DEPARTMENT *of* ELECTIONS

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## SB 11 Workgroup Report

Building a Secure Electronic Return  
of Marked Ballots Solution for our  
Overseas Military Voters

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## Introduction

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The SB11 workgroup has been charged by the 2014 General Assembly to provide instructions, procedures, services, a security assessment, and security measures for the secure return by electronic means of voted absentee military-overseas ballots from uniformed-service voters outside of the United States.<sup>1</sup> The bill requires the State Board of Elections to develop and update annually a security assessment and security measures to ensure the accuracy and integrity of these votes. The State Board is directed to convene a working group for the development of the initial instructions, procedures, services, security assessment, and security measures submitted annually to the Governor and General Assembly beginning January 1, 2016 on the feasibility and cost of implementation of the secure return of these ballots. The State Board of Elections convened the 1st meeting of the workgroup in July 2015. At this meeting the group proposed a paper be drafted to document the current state of internet voting in the United States, what other states are doing with internet voting, how close races have been in the past, implementation costs, security proposals from vendors, and security risks.

## Problem Statement

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SB 11 seeks to increase participation of Virginia's uniformed service members who are stationed overseas, both in increasing the number of applications for ballots and in increasing the number of ballots returned in a timely manner for counting, through deploying a secure means of returning a marked ballot. As the following discussion will show, when comparing general public voters who apply to vote absentee by mail and uniformed service members stationed overseas, there is a significant difference in the percentage of ballots that are never returned for counting. There does appear to be no significant difference in the percentage of voters whose ballots are rejected, no matter their status.

For the general elections from 2010 - 2014, 5,050 ballots have been requested by uniformed service members who are stationed overseas.<sup>2</sup> Of those, 2,231 (44%) ballots were returned by mail or in person in time to be counted, 134 (3%) ballots were rejected and not counted, and 2,675 (53%) ballots were never returned.

### **Uniformed Service Members Stationed Overseas Absentee Statistics**

<b>YEAR</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>APPLICATIONS</b>	1793	170	1741	1134	202
<b>ACCEPTED BALLOTS</b>	588	51	1273	193	126
<b>REJECTED BALLOTS</b>	33	5	70	17	9
<b>UNRETURNED BALLOTS</b>	1172	114	398	924	67
<b>% UNCOUNTED BALLOTS</b>	67%	70%	27%	83%	38%

For the general elections from 2010 - 2014, 321,385 general public voters have applied to vote absentee by mail.<sup>3</sup> Of those, 286,118 (89%) ballots were returned in time to be counted, 6,104 (2%) ballots were rejected and not counted, and 29,163 (9%) ballots were never returned.

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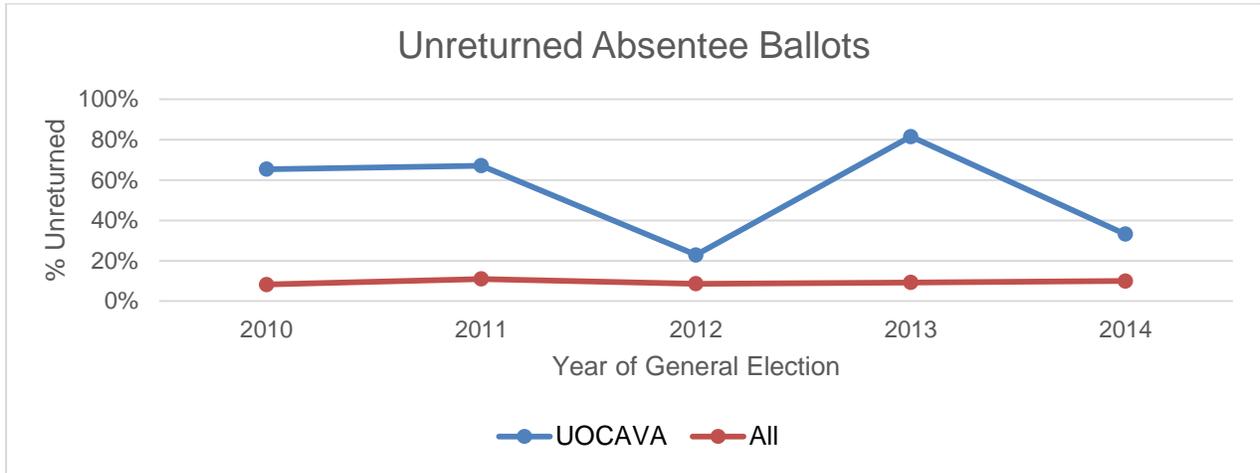
<sup>1</sup> SB 11 (2014) available here: <http://lis.virginia.gov/cgi-bin/legp604.exe?ses=141&typ=bil&val=sb11>.

<sup>2</sup> The Department of Elections tracks these voters as 6E voters according to the reason identified on their absentee ballot application.

<sup>3</sup> For the purpose of this chart, mail includes couriers and postal service.

**General Public Absentee Voting by Mail Statistics**

YEAR	2010	2011	2012	2013	2014
APPLICATIONS	40050	27681	162226	45333	46095
ACCEPTED BALLOTS	36338	24343	145060	40062	40315
REJECTED BALLOTS	414	303	3121	1091	1175
UNRETURNED BALLOTS	3298	3035	14045	4180	4605
% UNCOUNTED BALLOTS	9%	12%	11%	12%	13%



**Status of Absentee Voting in Virginia**

Virginia voters can vote absentee if they have one of 19 qualifying reasons. A voter can make an application to apply vote absentee online, in-person or by mail. Military and overseas citizens are extended additional accommodations for absentee voting that include the ability to request that all ballots for the current calendar year and the next full calendar year be automatically sent to them a minimum of 45 days before each election (by mail or e-mail). These voters can also vote an emergency write-in absentee ballot if they believe that their regular ballot will not be returned in a timely manner. It is important to note however that all ballots, no matter the class of voter, must be returned either in-person, by courier, or by mail.

**Other State’s Answers to This Problem**

Each state is grappling with the issue of increasing successful voting experiences for the members of our military. The focus of these efforts has been on the electronic return of marked ballots (e.g., internet portals, e-mail, or fax).

In July 2015, the National Conference of State Legislatures produced the following chart showing the options for electronic return of ballots. Two states provide an Internet portal for the return of marked ballots, while 27 states provide for e-mail return of marked ballots and 31 provide for fax return of marked ballots.

**Electronic Return of Military and Overseas Citizens' Ballots**

State	Delivery Method			Who can use?				
	Email	Fax*	Web	All	Military & Overseas Citizens	Emergency	Sub-class	Disabled
Alaska	•	•	•	•				
Arizona	•	•	•		•			
California		•			•			
Colorado	•	•			•			
Delaware	•	•			•			
DC	•	•			•			
Florida		•			•			
Hawaii		•			•	•		
Idaho	•	•			•	•		
Indiana	•	•			•			
Iowa	•	•			•		•	
Kansas	•	•			•			
Louisiana	•	•			•			
Maine	•	•			•			
Massachusetts	•	•			•			
Mississippi	•	•			•			
Missouri	•	•			•		•	
Montana	•	•			•			
Nebraska	•	•			•			
Nevada	•	•			•			
New Jersey	•	•			•			
New Mexico	•	•			•			
North Carolina	•	•			•			
North Dakota	•	•			•			
Oklahoma	•	•			•			
Oregon	•	•			•			
Rhode Island		•			•			
South Carolina	•	•			•			
Texas		•			•		•	
Utah	•	•			•			•
Washington	•	•			•			
West Virginia	•	•			•			

Adapted from National Conference of State Legislatures 7/27/2015.

Source: <http://www.ncsl.org/research/elections-and-campaigns/internet-voting.aspx>

## Case Studies

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Deploying a successful secure return of marked ballot solution is not unique to Virginia. Therefore, it is instructive to look to other states and how they have attempted to address this issue. Below are two case studies provided by the National Conference of State Legislatures (source: <http://www.ncsl.org/research/elections-and-campaigns/internet-voting.aspx>).

### **Alaska Case Study**

Alaska is the first state to offer all voters (not just UOCAVA voters) the chance to submit an absentee ballot electronically. It did so because it has a particularly a mobile voting population, with many voters not available to vote in their home jurisdiction on Election Day.

Based on this need, in 2012 Alaska developed an online system for returning ballots. UOCAVA voters can apply for an electronically transmitted absentee ballot any time. Civilian voters must apply beginning 15 days before the election. Absentee ballot applications can be sent by mail, fax or email.

When the election official receives an absentee ballot application, he or she first verifies that the voter is registered and eligible to vote and then transmits the ballot via the method requested (mail, fax or via the online system). If the voter has requested to use the online system, the election official sends him an email containing links and instructions.

Voters can mark and submit a ballot through the online system, but must print out a “voter certificate” and “identification sheet” that must be signed by the voter and a witness. The two documents can then be scanned and submitted via the online system as well. Step-by-step instructions on how the online voting system can be found on the State of Alaska’s Division of Elections website.<sup>4</sup> [The voter certificate waves the right to a secret and secure ballot.]

When a digitally transmitted ballot is received by the elections office, it is transcribed onto official ballot paper stock and counted using the same optical scan system that counts other paper ballots.

If a voter prefers to mail the ballot back, he can still use the online system to receive and mark the ballot. It can be printed and returned by mail. If by mail, he would print off a secrecy envelope, instructions and a return envelope from the online system. All these documents are available in PDF format in one downloadable zip file.

According to a press statement regarding Alaska’s online ballot transmission system, it is hosted in a dedicated secure data center protected by a layer of redundant firewalls. In order to ensure the security of the system, it is under constant physical and application monitoring.

### **Connecticut Case Study**

Over the last few years legislators in Connecticut have expressed a continued interest in providing electronic ballot transmission of voted ballots by military and overseas voters. Because of security concerns and other issues, the state

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<sup>4</sup> In addition to the NCSL report, ELECT research indicates that the voter’s certification also includes an acknowledgment that the voter is waiving their right to a secret ballot and is assuming the risk that a faulty transmission may occur. *See generally*, [https://www.elections.alaska.gov/vi\\_bb\\_by\\_fax.php](https://www.elections.alaska.gov/vi_bb_by_fax.php).

has not yet implemented a system for the return of voted ballots by electronic transmission. Below is a timeline of key steps in Connecticut's process.

July 2011: In section 59 of SB939 the Connecticut legislature directed the Secretary of the State to conduct a study of Internet voting and recommend a method to permit UOCAVA voters to submit their ballots online.

October 2011: As a part of her study of Internet voting, Secretary of the State Denise Merrill conducted an online voting symposium that brought together academics and experts in the fields of computers science, cryptography, elections administration and voting technology. The security of online voting was a key concern for the group. Two concerns were the integrity of online voting systems and the ability to keep voting information secret. As a result of the symposium and her review of online voting, Secretary Merrill submitted a report to the Government Administration and Elections Committee concluding that there is no existing secure method of online voting.

June 2012: HB 5556 is passed by the legislature but vetoed by the governor. It would have allowed military and overseas voters to return their voted absentee ballots by fax or email. The governor cited security concerns as outlined in a 2011 study of remote voting conducted by NIST and a concern with any mechanism that requires a voter to waive his or her constitutional right to a secret ballot.

June 2013: SB647 directed the Secretary of the State to select a method for UOCAVA voters to return a ballot that maintains security, the privacy of information contained on the ballot, and reaches the election official before the polls close on Election Day.

January 2014: Secretary Merrill submitted a report concluding that her office would require further legislative authorization to proceed with electronic return of voted ballots. Her response was based on her previous review of security for online voting and determination that online voting is not secure. The report also indicated that an appropriation would be required to provide a web-based delivery system for UOCAVA voters to download their ballot. Further legislative action would be required to provide a waiver of the constitutional right to a secret ballot for UOCAVA voters.

March 2014: SJ24 proposed a constitutional amendment to permit UOCAVA voters to waive the right of a secret ballot in order to vote by electronic transmission. SJ24 failed due to adjournment of the legislative session.

## Identified Risks for a Secure Return of Marked Ballots Solution

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In order to build a worldwide secure system that will enable Virginia's voters to return their ballot electronically, the General Assembly must determine the level of risk that it is willing to assume. Many individual risk cases can be identified, but all of them fall into two high level categories: ensuring the integrity of the ballots and process, and ensuring the confidentiality of the ballot and voter. The following risks have been identified by the workgroup, however additional risks will likely be identified and addressed as the workgroup proceeds:<sup>5</sup>

- 1) Denial of Service
  - i) Just like any Internet facing system, the solution would be vulnerable to a denial of service attack, which could disenfranchise voters.
  
- 2) Interception of Ballots

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<sup>5</sup> The workgroup recommends that a threat model be developed before electronic return of ballots is implemented. The threat model should identify risks and ramifications with mitigation strategies and defenses.

- i) Due to the digital transmission of the ballots, it could be possible for a voted ballot to be intercepted in transit and destroyed, re-routed, modified or simply viewed.
- 3) Corruption of the Software and Data
- i) Controlled devices cannot be installed worldwide; therefore, the solution will have to rely on electronics accessible to voters and outside of the control of election officials. This equipment could be infected with malware.
  - ii) Software and data on the Department of Election's computers may be manipulated or modified by submission of ballots containing malware.
- 4) Phishing, Identity Theft and Social Engineering
- i) Because of the lack of personal interaction with a worldwide solution, voters could be susceptible to complicated phishing, identity theft or social engineering schemes intended to disenfranchise a voter.
- 5) Observing Contents of Ballots and Voter Coercion
- i) Absentee voting through any means has the potential risk of being susceptible to a loss of privacy and/or susceptible to voter coercion since the ballot is marked and cast outside of the controlled space of a polling place.
- 6) Ballot Box Stuffing
- i) Fraudulent absentee ballot applications could be submitted resulting in fraudulent ballots being returned. In addition, without proper control, more ballots could be returned for counting than were sent out in the first place.
- 7) Ballot Spoofing
- i) Ballots could be swapped or modified prior to delivery to the voter, resulting in voters casting incorrect ballots which would ultimately disenfranchise the impacted voters.

## Identified Considerations for a Secure Return of Marked Ballots Solution

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Any technology solution has additional items that must be part of the requirements in addition to addressing known risks. The following considerations have been identified by the workgroup; however, additional considerations will likely be identified and addressed as the workgroup proceeds:

- 1) Accessibility
  - i) Federal law requires that all online governmental systems for the public meet minimum accessibility standards. The solution must be built to comply with these standards and any state standards for accessibility.
- 2) Auditability
  - i) The entire application, ballot transmission to the voter and the returning of the ballot must be auditable by an independent third-party.

- ii) Care must be taken to minimize those who can view decrypted ballots. The solution must enforce separation of duties. Only local election officials should be able to ever view a fully decrypted ballot.
- 3) Availability
- i) The election process and any of its critical components (e.g., voter list information, cast votes, voting channel, etc.) must be available as required to voters, election administrators, observers or any others involved in the process. System redundancy is necessary and if the deployed solution should become unavailable or compromised, alternative voting opportunities should be available.
- 4) Authentication
- i) Absentee voting by mail and in person has several checks in place to determine a voter's identity. Uniformed service members have Common Access Cards (CAC) and incorporating their use into the authentication scheme for the solution would greatly enhance the trustworthiness of a submitted ballot.<sup>6</sup> In addition, use of the Commonwealth Authentication Service (CAS) would provide an additional layer of authentication.
  - ii) The authentication method(s) must ensure that only one vote per authorized voter is cast per election.
- 5) Ballot Anonymity
- i) The solution must prevent at any stage of the election, the ability to connect a voter and their cast ballot. The encrypted voted ballot should be stored separate from the voter identity information in a manner that mimics the current inner and outer envelopes used in absentee voting by mail. Audit records must maintain ballot anonymity.
- 6) Encryption
- i) The solution must encrypt the voted ballot in transit and at rest.
- 7) Process Validation and Transparency
- i) The procedures, technology, source code, design and implementation details, and documentation of the system must be available in their entirety for free and unconstrained valuation by anyone for testing and review for an appropriate length of time before, during and after the system is to be used. Policies and procedures must be in place to respond to issues that arise. Appropriate oversight and transparency are key to ensuring the integrity of the voting process and facilitating stakeholder trust.
- 8) Usability by the Voter
- i) Minimal effort and equipment must be needed by the voter to cast a ballot. Access to equipment such as scanners and fax machines may be limited in various deployment zones.
- 9) Usability by the Local Election Officials
- i) Impact to local election administration must be kept to a minimum where possible. Incorporating the solution into the workflows already in use for election administration and absentee ballot processing, while maintaining security and anonymity is key.
- 10) Technical Infrastructure

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<sup>6</sup> A CAC card is administered and maintained by the Department of Defense and are used to identify the military member.

- i) The solution must be hosted in an environment under the contractual control of the Commonwealth (e.g., the VITA/NG data centers). The use of firewalls, intrusion detection and prevention devices are required to help mitigate denial of service and other hacking attempts.
- ii) Backups and redundancy must be built into the infrastructure to ensure maximum up time in the event of physical infrastructure failure.
- iii) All physical infrastructure must be managed, maintained, and procured at the state level.

#### 11) Vote Tabulation

- i) The solution shall not have the ability or data to tabulate votes. Vote tabulation must be completed in the local election offices as part of the existing election administration processes.

#### 12) Implementation Timeline

- i) 2016 is a presidential election year. The workload for election officials is non-stop. Since the implementation of this solution will require funding and significant workload for both state and local election officials, a pilot launch of the solution for the 2017 June primaries is recommended with a full launch of the solution for the 2017 November General election.

## Legislative Considerations

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Certain legislative changes would significantly enhance the experience of voters using a secure return of marked ballots solution in Virginia. The General Assembly is encouraged to consider these recommendations during the 2016 session.

#### 1) Voting System Certification

- a. Since this system is collecting ballots, it may fall under the requirements of certification for a voting system. It is unclear what level and type of certification is necessary for the State Board of Elections to certify ballot marking (as opposed to ballot counting) systems. This will result in a significant increase in the cost of the project and an extension in the timeline.

#### 2) Witness Signature

- a. Current law requires that a witness sign the outer envelope of an absentee ballot submission attesting that the person submitting the marked ballot is who they say they are. This requirement should be waived for voters using this system as there is no known practical way to collect a witness signature. The use of the Common Access Card (CAC) by the military voters specifically targeted in SB 11 should be considered to be sufficient validation of the voter's identity for this specific purpose.

#### 3) Secret Ballot

- a. Voters will have to waive their right to a secret ballot to use this system.

#### 4) State Ballot Design and Seal

- a. Current law requires that the seal of the local electoral board appear on the back on a ballot. Ballots submitted through this solution should be exempt from this requirement as the ballots will have to be hand counted in each locality on the night of the election.

- 5) Ballot Duplication
  - a. Current law prohibits the duplication of marked ballots; however, technical solutions exist (and are used in other states) that enable a marked ballot to be submitted with a barcode on them. The barcode can be scanned and a machine readable, properly marked version of the ballot can be printed immediately for counting.

## Walk-Through of a Possible Approach

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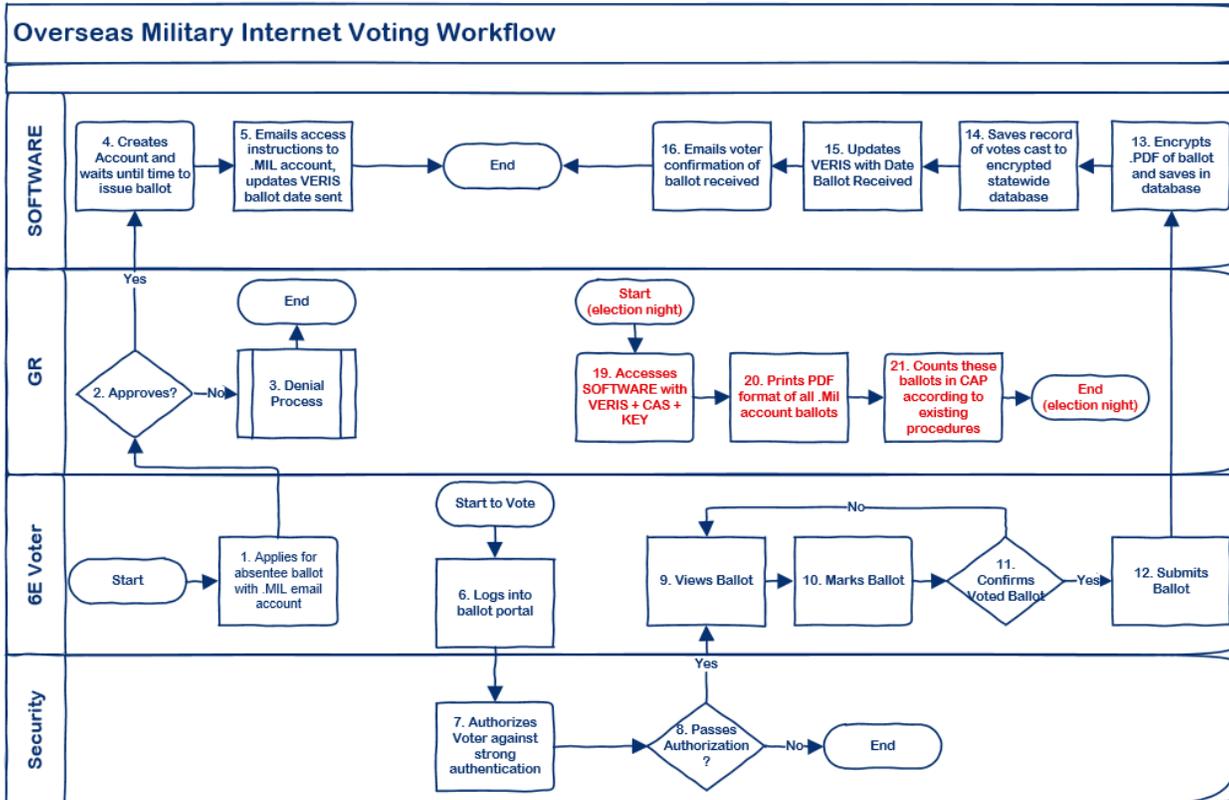
The workgroup presents a possible approach to enable military members who are deployed overseas to cast their ballot online. Here is a walk-through of the possible experience of the voter and local election official.

- 1) Voter applies to vote absentee and self identifies as a military member who is stationed overseas on election day. The voter may request that he be allowed to vote using the online solution and must provide a .MIL e-mail account; otherwise, these voters may use currently available methods to cast their ballot.
- 2) The local election official reviews the application and approves it.
- 3) The voter receives an e-mail at their .MIL account (which requires the use of a Common Access Card issued by the Department of Defense to access it) with instructions on how to access the Virginia ballot portal.
- 4) The voter goes to the ballot portal and logs in using a strong authentication system, such as his Common Access Card, Commonwealth Authentication Service (CAS), or other solution. All additional communication with the portal is encrypted.
- 5) The voter is presented with their ballot in their browser.
- 6) The voter marks their ballot and then reviews their selections.
- 7) The voter submits their ballot.
- 8) The marked ballot is converted into a PDF document, encrypted, and then stored in an encrypted database along with the name of the locality where the voter is registered.
- 9) A record is also saved in a separate database indicating that the voter has submitted a ballot successfully.
- 10) An e-mail is sent to the voter's .MIL account indicating that the ballot has been successfully submitted.
- 11) On the night of the election, the local election official accesses the ballot retrieval system by providing their credentials for the voter registration system and by authenticating against the Commonwealth Authentication Service.
- 12) The local election official is given a single PDF document that contains all of the marked ballots for their locality.

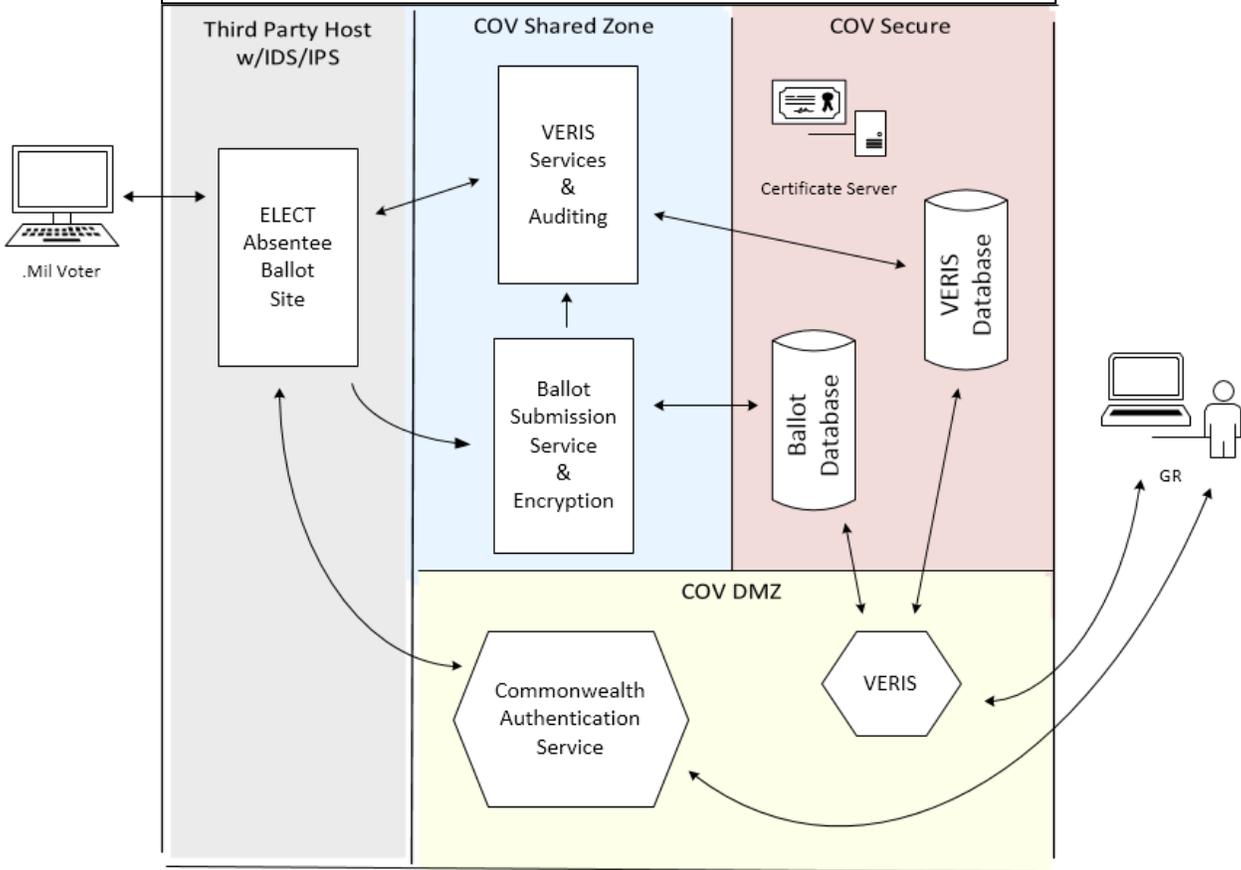
13) The PDF is printed and given to the officers of election.

14) The officers of election hand count the marked ballots in the central absentee precinct according to currently established standards.

The following two charts provide visual representations of the walk through and a sample of how the network architecture would be built.



# Overseas Military Internet Voting Network Diagram



## Costs

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In 2011, Virginia applied for and received a grant from the Department of Defense's Federal Voting Assistance Program (FVAP) to build and deploy an online ballot delivery portal for Virginia military voters. Under the terms of the grant, the use of this portal is not allowed in a system that includes the secure return of a marked ballot; therefore, Virginia will have to build a full new ballot delivery solution alongside the ballot submission system. It therefore makes sense to build a single solution that will deliver ballots and enable voters to submit ballots.

In early 2015, the Department of Elections issued a request for information to the vendor community to determine if there was a solution already in place that could be implemented in Virginia and to also determine what it might cost to deploy such a solution. Prices, licensing schemes, hosting requirements and functional requirements were all over the board. Implementation prices ranged from \$50,000 to \$1,900,000 and annual costs ranged from \$50,000 to \$1,150,000. When considering these proposals and the Department of Elections' experience with the FVAP grant project, an implementation budget of \$1,400,000.00 for the development, deployment and associated training would be required along with an annual budget of \$849,977.08 to stand up a solution in time for the 2017 November General Election.

1) Annual Costs: \$849,977.08

- a. Annual hardware costs at FY16 VITA rates: \$269,977.08
  - i. Four production servers with disaster recovery and a total of 1.05 TB of disk space.
    - 1. \$14,454.76/month
  - ii. Three user acceptance testing servers with a total of 750 GB of disk space.
    - 1. \$5,681.85/month
  - iii. Two integration development servers with a total of 400 GB of disk space.
    - 1. \$2,361.48/month
- b. Annual staffing (increase for ELECT of 2 MEL): \$250,000.00
  - i. One security engineer/architect: \$130,000.00/year
  - ii. One business analyst: \$120,000.00/year
- c. Annual third-party security audit and penetration and vulnerability testing services: \$60,000.00
- d. Solution licensing and support: \$150,000.00
  - i. The request for estimate yielded licensing costs of up to \$1,000,000/year.
- e. Commonwealth Authentication Service: \$120,000.00

2) One-Time Development Costs: \$1,400,000.00

- a. This assumes that the solution is turned completely over to the Department of Elections and that no further licensing or support costs are required. This assumes the changes to VERIS can be done by existing staff. This does include independent security review and testing of the solution.
- b. This does not include the development of voting system standards or voting system certification.

In Fiscal Year 2017, the Department of Elections would spend \$2,249,977.08 to stand up a solution. In the following fiscal years, the Department of Elections would spend \$849,977.08 to keep the solution going. Assuming that the 2017

November General Election is the first election for which ballots are cast in this solution and assuming that we see an increase in participation by the overseas military voters (total of 2,000 voters estimated), the per voter cost for this solution would be \$1,549.98. Each year after that, the cost would be \$424.99 per voter.

## Conclusion

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The right to vote is at the core of our democracy and those men and women who are serving in uniform overseas deserve extra attention and assistance in exercising their right to vote. SB 11 required the State Board of Elections to provide a report on the feasibility and cost of deploying a solution that would both increase the number of applications for ballots and increase the number of ballots returned in a timely manner for counting.

The solution provided for in this document will provide a way for our overseas service members to more quickly cast their ballot which should improve their rates of timely return of their ballots. Certainly cheaper alternatives could be provided however each alternative that was considered had risks that the workgroup was not willing to ask the General Assembly to accept. The proposed solution provided for in this document is the feasible solution that can be built which would also provide a high level of integrity in the voting process.

Most importantly however, in today's limited resources and significant cyber security threat, the General Assembly must weigh whether or not it is willing to accept the risks and costs of deploying a secure return of marked ballots solution for the members of the military who are deployed overseas.



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# Conflict Of Interest Statement

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BOARD WORKING PAPERS  
Martha Brissette  
ELECT Policy Analyst



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DEPARTMENT *of* ELECTIONS

**Memorandum**

To: Members of the State Board of Elections  
From: Martha Brissette, Policy Analyst  
Date: December 16, 2015  
Subject: Approval of New Language to Implement Required Conflicts Law Notice in  
Candidate Bulletin for May 3, 2016 Municipal Elections

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**Suggested motion for a Board member to make:**

I move that the Board (1) approve staff's proposed additional language for the May 3, 2016 municipal elections; and (2) direct staff to add similar language to forms, instructions and guidance document where appropriate.

**Applicable Code Sections:** 2015 Va. Acts Chs. 763, 777; Va. Code §§ 2.2-3101, 24.2-103, 24.2-105, 30-101.

**Background:**

The 2015 Session passed ethics reform legislation that included changes to Virginia's State and Local Government Conflict of Interests Act ("COIA") and the General Assembly Conflict of Interests Act ("GACOIA").

Effective January 1, 2016, §§ 2.2-3101 and 30-101 impose new duties on the State Board of Elections and general registrars (emphasis added):

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become subject to the provisions of this chapter upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections or general registrar shall notify each such candidate of the provisions of this chapter. Notification made by the general registrar shall consist of information developed by the State Board of Elections.

"Candidate" means a person who seeks or campaigns for election to the General Assembly in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become subject to the provisions of this section upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections shall notify each such candidate of the provisions of this chapter.

Proposed page 11 of the Candidate Bulletin for the May 3, 2016, general elections provides:

**Virginia State and Local Government Conflict of Interests Act  
("COIA")**

Effective January 1, 2016, COIA requires General Registrars to notify all candidates of the provisions of Chapter 31 of Title 2.2 of the Code of Virginia, the Virginia State and Local Government Conflict of Interests Act ("COIA"), Va. Code §§ 2.2-3100 through 2.2-3131.

COIA regulates the conduct of Virginia public officials in two basic ways: (1) disclosure requirements for reporting certain types of economic relationships on the Statement of Economic Interests form; and (2) prohibitions against certain conduct or participation in certain transactions. The disclosure requirements applicable to candidates to file the Statement of Economic Interests form are discussed above on pages 7 and 8. Guidance about the completing the disclosure form and COIA's substantive prohibitions and participation conditions can be obtained from the COIA Council:

Christopher Piper  
*Executive Director*  
Email: [cpiper@dls.virginia.gov](mailto:cpiper@dls.virginia.gov)  
Phone: 804-786-3591 ext. 298

The May 3, 2016, municipal elections are the first scheduled elections for offices with candidates subject to Virginia's COIA as amended in 2015. Staff proposes to add similar language as appropriate for future elections.



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# Post-Election Update

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BOARD WORKING PAPERS



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# Goochland County Request for Post-Election Audit

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BOARD WORKING PAPERS  
Myron McClees  
ELECT Policy Analyst



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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## Memorandum

**To:** Members of the State Board of Elections  
**From:** Myron McClees, Policy Analyst  
**Date:** December 16, 2015  
**Subject:** Goochland Electoral Board Request for Audit of November 3, 2015 General Election

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### Suggested motion for a Board member to make:

Move that the Board approve the request from the Electoral Board of Goochland County for an audit of their ballot scanner machines in Precincts 101, 104, 201, 301, and 401.

**Applicable Code Sections:** Virginia Code § 24.2-671.1

### Attachments:

Your Board materials include the following

- Request for Audit email from Chairman of Goochland Electoral Board
- Requisite Conditions are Met email from Chairman of Goochland Electoral Board
- Audit Instructions
- Audit Results Form
- Sample Completed Audit Results Form
- Audit Sign In
- Observer Code of Conduct Agreement
- Observer Feedback Worksheet

### Background:

Virginia Code § 24.2-671.1 allows for localities to request an audit of ballot scanner machines to assess their accuracy. Audits are often performed when new voting machines are being considered for potential certification for use in the Commonwealth, however, the electoral board for Goochland County has unanimously voted to request an audit of its voting machines after anomalies in tallies were discovered during their canvass of the November 2015 General Election. This will be the first time a post-election audit is conducted under this current Code provision.

The Chairman of the Goochland County Electoral Board has confirmed that the statutory requirements for an audit exist within their certified results. All candidates whose votes would be reassessed won by a margin of at least ten percent (10%). Although the votes will be counted

again during an audit, they have no effect on the official election results. The totals determined during an audit are simply used to assess the accuracy of the voting machines.

ELECT staff has edited materials that were used in a previous 2012 audit in hopes of providing guidance for future audits. These materials have been provided to SBE for illustrative purposes. ELECT staff will monitor any audit conducted by the requesting locality if the Board approves the present request.

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**From:** Robin Lind [<mailto:robin.lind@hopespringsva.us>]  
**Sent:** Tuesday, December 08, 2015 9:26 AM  
**To:** Fox, Gary (ELECT)  
**Cc:** [wandat@chemtreat.com](mailto:wandat@chemtreat.com); Ragland, Frances; Cortes, Edgardo (ELECT)  
**Subject:** RE: 24.2-671.1 Audit

Dear Gary,

The Goochland County Electoral Board voted unanimously last night to request the State Board of Elections conduct an audit of the ballot scanner machines used in five precincts in the November 3 General Election in which anomalies appeared in the canvass of results.

Please advise how we may begin this audit as soon as possible so it does not impinge on our preparations for the March 1 Presidential Primary.

Of immediate concern is the disposition of the electronic media. In preparation for the next election these media would normally be collected from the Clerk's office this week and sent to the vendor for re-programming and re-use.

I understand an audit involves a hand-count of the paper ballots to compare with the existing papers tape tallies. Our concern is for the integrity of the audit should the hand-count reveal a programming error which might then exist on the electronic media if it has not been erased for the next contest.

With appreciation,

Robin Lind  
Chair, Goochland County Electoral Board  
Virginia's Highest Percentage Voter Turnout 2008, 2012, 2014  
804-784-3713

## **Mcclees, Myron (ELECT)**

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**From:** Robin Lind <robin.lind@hopespringsva.us>  
**Sent:** Tuesday, December 08, 2015 12:20 PM  
**To:** Mcclees, Myron (ELECT)  
**Cc:** Cortes, Edgardo (ELECT); Fox, Gary (ELECT); wandat@chemtreat.com; Ragland, Frances  
**Subject:** Goochland Request under 24.2-671.1

Dear Myron,

With reference to our earlier conversation regarding the request of the Goochland County Electoral Board to conduct an audit of ballot scanner machines as provided for in 24.2-671.1, please be advised:

Under Subsection A: The contests involved candidates for Treasurer and Sheriff in Precincts 101, 201, and 301 where the candidates were unopposed; and in Precinct 401 the contest for Senate and House where the candidates were unopposed; and in Precinct 104 the contest for Board of Supervisors and School Board, where the candidates were unopposed. In every instance there were a small number of write-in votes cast but the margin between the top two candidates exceeded 90%.

Under Subsection B: The election has been certified and the period to initiate a recount has expired without the initiation of a recount,

Under Subsection C: The Goochland County Electoral Board is prepared to supervise the procedures prescribed by the State Board at its own cost.

We appreciate your prompt attention,

Robin Lind  
Chair, Goochland County Electoral Board  
Virginia's Highest Percentage Voter Turnout 2008, 2012, 2014  
804-457-8490

## INSTRUCTIONS FOR AUDIT OFFICIALS

### OPTICAL SCAN/PAPER BALLOTS ONLY

(Complete one precinct at a time)

#### GENERAL INSTRUCTIONS

The purpose of the audit is to determine the accuracy of the voting machines used in an election. Ballots that were scanned by a voting machine on election day should be hand counted during an audit, but should be counted according to the standards of the voting equipment. The voting equipment standards will likely vary from the normal handcounting standards published in the *Hand Counting Printed Ballots for Virginia Elections and Recounts* document. The reason the two standards differ is because the voting equipment does not take into account voter intent, but instead makes a determination of the voter's selections entirely based on whether the strike area next to a candidate's name is marked with no overvote present. Inferring and assessing voter intent, rather than what is marked, will likely skew the vote totals in a way that the audit will not properly assess the accuracy of the voting equipment, and thus defeat the purpose of conducting an audit.

The term "Paper Ballots" may include traditional paper ballots, machine-readable ballots or copies used for outside polls voters or as emergency ballots in a precinct without a scanner or as provisional ballots, or ballots sent to overseas/military voters by email or fax. All these ballots were treated as paper ballots and originally counted by hand election day. These ballots should not be counted during the audit since they were not counted by the machines on election day, and thus will not help in determining the accuracy of the voting machine.

The "Audit Coordinators" are the members of the electoral board that have been designated to participate in the audit.

The "Audit Officials" are the persons designated to count ballots during the audit. These individuals should be persons that served as officers of election for the election that is being audited.

"Observers" are persons that wish to view the audit. Candidates, representatives of candidates, and political party leaders are the individuals most likely to serve as observers.

Only the Audit Officials may handle ballots. Audit Coordinators may enter data on forms. Observers may stand behind Audit Officials as they work and may only watch and take notes.

The Audit Coordinator will provide the necessary materials to the Audit Officials, one precinct at a time.

The results of the audit have **no effect on the results of the election.**

## SPECIFIC INSTRUCTIONS FOR THE AUDIT

- A. Open **Envelope #3** and count printed ballots as follows:
1. Count **all** ballots that were scanned by a voting machine on election day and, when both officials agree, enter ballot count on Audit Results form in Column B on Line (2);
    - a. If the count on Line (2) does not match the figure on Line (1), the ballots should be hand counted again. If the figures still do not match, note same and continue.
  2. Examine each of the ballots to be counted and separate each into the following groupings:
    - a. All ballots clearly voted for any of the candidates listed on the ballot;
    - b. All ballots where the strike area for "Write-in" has been selected;
    - c. All ballots containing two or more selections for the office (Over vote);
    - d. All ballots not voted for the office (Under vote);
  3. Count the ballots in each grouping as follows:
    - a. One Audit Official should stack the ballots while the other closely observes;
    - b. The Audit Official stacking the ballots should separate the ballots into the following stacks based on how they were voted:
      - Candidate A
      - Candidate B
      - Write-in
      - Over votes
      - Under votes
    - c. The Audit Official stacking should stack the ballots into stacks of 5.
    - d. Audit officials should then independently count the number of complete stacks of 5, then multiply the result by 5. Any stacks with fewer than 5 should be counted as well and added to the appropriate totals.
    - e. If the officials do not agree, the second official should count the ballots while being closely observed by the first. Audit Coordinators and a vendor with specialized knowledge of the machines' operations may provide input as to how the machine should have counted the ballot;

- f. When both officials agree on the count, enter the result in Column B on Lines (3) through (7) for each candidate and line;
- g. Add together Lines (3) through (7) in Column B and enter their total on Line (8). The total entered on Line (8) should be the same as the total previously entered in Column A on Line (2).

5. Return all ballots to **Box/Envelope #3** and re-seal it.

B. The Audit Coordinator will then return all election materials for the precinct to the Clerk of Circuit Court and receive the packages for the next precinct.

C. Repeat the above steps until all assigned precincts have been completed.

**COMMONWEALTH OF VIRGINIA  
AUDIT OF OPTICAL SCAN VOTING EQUIPMENT**

County/City of: \_\_\_\_\_

Date of Election: \_\_\_\_\_

Precinct #/Name: \_\_\_\_\_

Office: \_\_\_\_\_

<b>STATEMENT OF RESULTS VERIFICATION</b>	(1) Number of PRINTED BALLOTS cast on all Scanner Machines
--	--

<b>VERIFICATION OF RESULTS FOR PRINTED BALLOTS CAST ON BALLOT SCANNER MACHINE</b>	<b>A  OFFICIAL RESULTS &lt;election date&gt;</b>	<b>B  AUDIT RESULTS OF HAND COUNT</b>
(2) Total Ballots Cast		
(3) Votes Recorded for <b>(Candidate A)</b>		
(4) Votes Recorded for <b>(Candidate B)</b>		
(5) Votes Recorded as <b>Write-Ins</b>		
(6) Ballots that were <b>Overvoted</b>		
(7) Ballots that were <b>Undervoted</b>		
<b>(8) TOTAL VOTES FOR OFFICE</b> - ADD (3) THROUGH (7)		

**We certify that the information herein is true and correct.**

\_\_\_\_\_  
Audit Official's Signature

\_\_\_\_\_  
Audit Official's Signature

\_\_\_\_\_  
Audit Official's Printed Name

\_\_\_\_\_  
Audit Official's Printed Name

Date of Audit \_\_\_\_\_

**COMMONWEALTH OF VIRGINIA  
COUNTY OF CHESTERFIELD  
AUDIT OF OPTICAL SCAN VOTING EQUIPMENT**

County/City of:     Chesterfield    

Date of Election: **March 6, 2012**

Precinct #/Name:     111 Iron Bridge    

Office: **President (nominee)**

<b>STATEMENT OF RESULTS VERIFICATION</b>	(1) Number of PAPER BALLOTS cast on Optical Scan Machine  <b>242</b>
--	--

VERIFICATION OF RESULTS FOR PAPER BALLOTS CAST ON OPTICAL SCAN VOTING MACHINE	A  OFFICIAL RESULTS March 6, 2012	B  AUDIT RESULTS OF HAND COUNT
(2) Total Ballots Cast	<b>242</b>	
(3) Votes Recorded for <b>RON PAUL</b>	<b>91</b>	
(4) Votes Recorded for <b>MITT ROMNEY</b>	<b>148</b>	
(5) Votes Recorded as <b>Write-Ins</b>	<b>N/A</b>	N/A
(6) Ballots that were <b>Overvoted</b>	<b>0</b>	
(7) Ballots that were <b>Undervoted</b>	<b>3</b>	
<b>(8) TOTAL VOTES FOR OFFICE - ADD (3) THROUGH (7)</b>	<b>242</b>	

**We certify that the information herein is true and correct.**

\_\_\_\_\_  
Audit Official's Signature

\_\_\_\_\_  
Audit Official's Signature

\_\_\_\_\_  
Audit Official's Printed Name

\_\_\_\_\_  
Audit Official's Printed Name

Date of Audit \_\_\_\_\_





## Observer Code of Conduct Agreement

As an observer of the Virginia post-election audit pilot project, I agree to:

1. Observe the proceedings in an unobtrusive manner and will not interfere in the counting process.
2. Base my conclusions for the reporting form on my personal observations or on clear and convincing facts or evidence.
3. Not touch the ballots.
4. Exhibit the appropriate levels of personal discretion and professional behavior.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_





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# Legal Report

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BOARD WORKING PAPERS  
Anna Birkenheier  
Assistant Attorney General



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# Other Business & Public Comment

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BOARD WORKING PAPERS



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# Adjournment

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BOARD WORKING PAPERS



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# BOARD MEETING

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Wednesday, December 16, 2015  
General Assembly Building  
Room C  
10:00AM

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SBE Board Working Papers  
Prepared by Rose Mansfield  
SBE Clerk