

1 MINUTES

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3 The State Board of Elections board meeting was held Thursday, January 4, 2018.
4 The meeting was held in the West Reading Room in the Patrick Henry Building in
5 Richmond, Virginia.

6 In attendance, representing the State Board of Elections (the Board) were James
7 Alcorn, Chairman; Clara Belle Wheeler, Vice-Chair; and Singleton McAllister, Secretary.
8 Also in attendance, representing the Department of Elections (ELECT) was Edgardo
9 Cortés, Commissioner and Anna Birkenheier, Assistant Attorney General. Chairman
10 Alcorn called the meeting to order at 11:00AM.

11 The purpose of this meeting was to conduct a drawing to determine the winner for
12 the House of Delegates 94th district race between David Yancey and Shelly Simonds. Ms.
13 Simonds and a local representative for Mr. Yancey were present at the meeting. Before
14 the drawing, Chairman Alcorn described the events leading up to the drawing and the
15 drawing process.

16 The general election, held on November 7, 2017 included many offices, including
17 100 House of Delegates seats. On November 19, 2017, the Board certified the results of
18 the election. The certification reported 11,601 votes for Ms. Simonds and 11,591 votes for
19 Mr. Yancey. Ms. Simonds filed for a recount, which was held on December 19, 2017. At
20 the end of the recount on December 19, the results reported Ms. Simonds was in the lead
21 by one vote; 11,608 to 11,607. On December 20, 2017, the recount court held a hearing to
22 rule on all questioned ballots and to certify the recount results to the Board. The hearing
23 ended with the recount results tied; 11,607 all.

24 The Board scheduled a drawing for December 27, 2017. On December 26, 2017,
25 Ms. Simonds filed a motion for reconsideration with the recount court. The Board
26 cancelled the drawing so the court would have time to consider the request. Chairman
27 Alcorn explained that a drawing, while required by law, is an action of last resort and stated
28 that any questions regarding the election should be resolved before any drawing. On
29 January 3, 2018, the court denied Ms. Simonds's request; the election, therefore, remained
30 a tie with 11,607 votes for each candidate.

31 Chairman Alcorn said the Code of Virginia declares that the Board shall determine
32 by lot who would be elected, and explained the process for the drawing. The Chairman
33 recounted that the Board conducts a number of drawings throughout the year to determine
34 ballot order, and that the same process will be used to determine the winner of the election
35 in the 94th House district. For the drawings, the Board prints slips of papers with each
36 candidates' name on them, inserts them into film canisters, put them into a bowl, stir them
37 around, and pull out the winner. Chairman Alcorn would pull the first canister and Vice
38 Chair Wheeler would pull the second canister. The Chairman would open the canister,
39 show the name, and the person drawn would be declared the winner. Vice Chair Wheeler
40 would then open the canister and show the name to ensure that both names were in the
41 bowl.

42 Celeste Fetta, Virginia Museum of Fine Arts (VMFA), shared that the bowl in use
43 was a piece by artist Steven Glass, resident potter at the VMFA studio schools since 1982.
44 Secretary McAllister prepared the film canisters, sharing that each canister was brand new
45 and was inspected beforehand by the Board. Vice Chair Wheeler stirred the bowl.

46 Chairman Alcorn drew the first canister, which named David Yancey the winner of
47 House district 94. Vice Chair Wheeler drew the second canister for Shelly Simonds.
48 Chairman Alcorn moved *that pursuant to Va. Code §24.2-674 that David Yancey is the*
49 *newly elected delegate from House district 94.* Vice Chair Wheeler seconded the motion
50 and the motion passed unanimously. Commissioner Cortés distributed the certificate of
51 election to the Board for signatures.

52 Vice Chair Wheeler said the drawing was an unprecedented event in the history of
53 Virginia. The last drawing to declare the winner of an election was last done in 1971, but
54 this draw determined the Speaker of the House and the number of committees in the
55 General Assembly. The Vice Chair thanked the former members of the General Assembly
56 that passed laws and provided the Code that gives outlines for how to conduct free and fair
57 elections. Vice Chair Wheeler urged the importance of correctly marking ballots on
58 election day, and reminded that if a voter marks a ballot incorrectly, they can go to an
59 officer of election for a new, unmarked one. The Vice Chair thanked the election officials
60 that conducted the recounts, the press for informing on the process, and the judiciary who
61 heard contests and made rulings.

62 Secretary McAllister thanked Mr. Yancey and Ms. Simonds for running because of
63 all the national talk and attention on elections, and noted the importance for everyone to
64 vote and of every vote. The Secretary also thanked the election officials, press, and
65 judiciary. Secretary McAllister noted that the Board has worked to be not just non-partisan
66 but bi-partisan, and that a momentous drawing such as this could not happen without the
67 citizens of Virginia participating as engaged voters. Chairman Alcorn then moved to
68 adjourn the meeting. Vice Chair Wheeler seconded the motion, and the motion passed
69 unanimously. The meeting was adjourned at approximately 11:17AM. The Board did not
70 set the date and time of its next meeting.

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Secretary

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Chair

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Vice Chair