



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

November 5, 2019
Post-Election Report

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Introduction

Each election in the Commonwealth of Virginia tells a story of anticipation, polls, results, candidates, voters, and election administration. Election officials are tasked with ensuring fairness and uniformity in our practices. While the story of any election is filled with anecdotes of specific instances both good and bad, the real story of administering the election is told in the data.

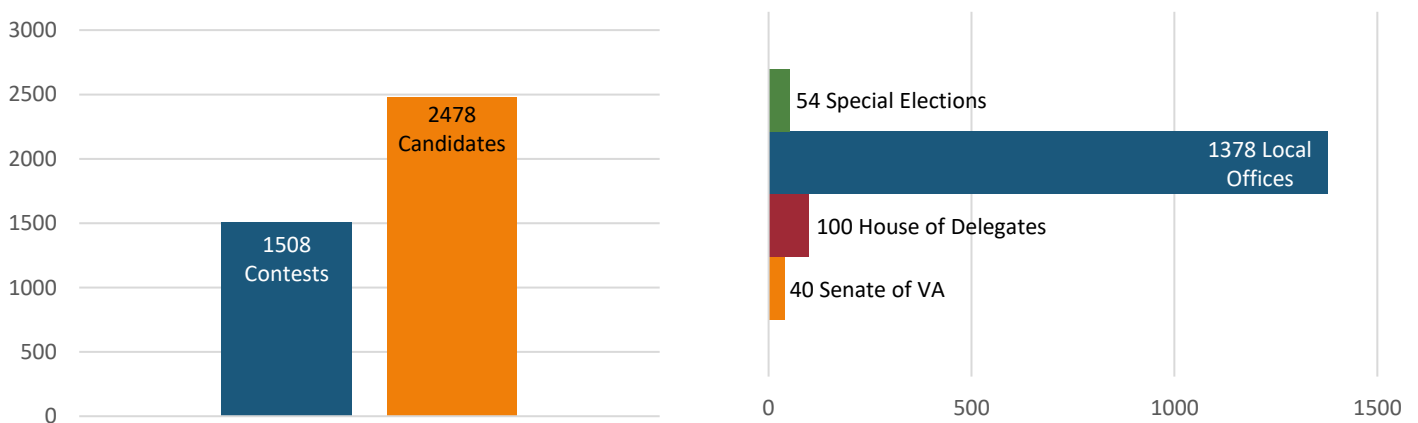
This report seeks to tell the story of the 2019 General Election through its data. By presenting the broad picture, trends are seen and areas for improvement in future elections are identified. By looking at different aspects of the election, administrators can identify areas of concern for additional training and issues for collaboration to develop best practices.

Contests and Candidates

November 2019 saw one hundred and forty (140) general assembly races, one thousand three hundred seventy-eight (1,378) local races, and nineteen (19) local referenda. The one hundred forty (140) General Assembly races included two hundred forty-five (245) candidates.

The State Board of Elections (Board) had to make a ballot access decision in four (4) candidate processing situations this election:

- It was determined during the petition review process that a candidate for Senate of Virginia, 25th District did not submit the required number of qualifying petition signatures to qualify for ballot access. Through the appeals process (VA Code § [24.2-506\(C\)](#), VA Administrative Code [1VAC20-50-30](#)), it was determined that enough qualified signatures were submitted, therefore the Board voted to grant ballot access to the candidate.
- Required party ballot access documents were not filed by the applicable deadline for a candidate for House of Delegates, 76th District and a candidate for House of Delegates, 1st District. In both cases the Board voted to accept the late submissions and grant ballot access to both candidates. The Department of Elections has requested legislation (HB 1116) that will centralize the paperwork filing process with the state party offices. This centralization should help both parties understand when to file all of the necessary paperwork to prevent issues such as this in the future.
- Required candidate and party ballot access documents were not filed by the applicable deadlines for a candidate for House of Delegates, 30th District. The Board voted not to grant ballot access due to the failure by both the candidate and the party to file required documents.

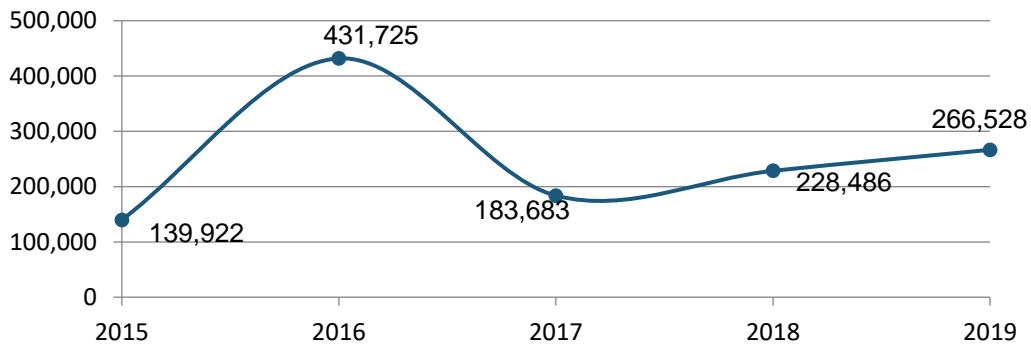


Participation

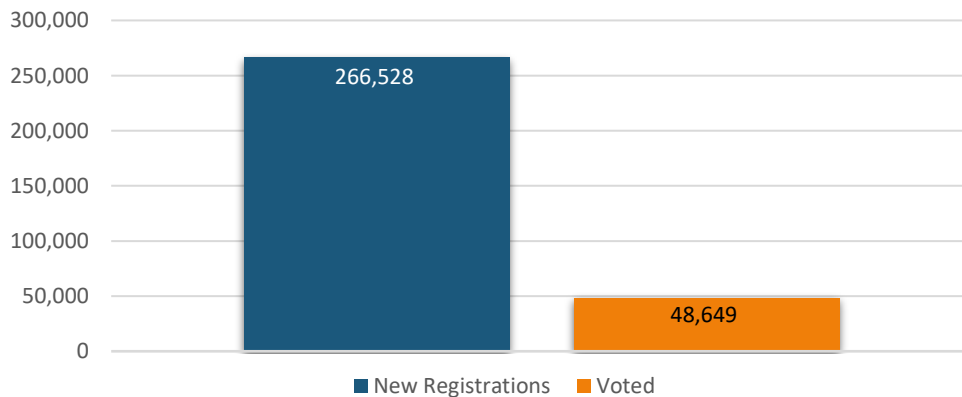
Newly Registered Voters

Continuing the trend of previous elections, people are registering to vote in greater numbers than in previous non-presidential election years. While new registrations did not equal the numbers seen in the most recent presidential election year (2016), the overall trend in non-presidential years is clear: more people are registering to vote. When the data is compared to the most recent comparable election (November 2015), the Commonwealth saw a 90% increase in the number of new registrations. Eighteen percent (18%) of these newly registered voters cast a ballot in the 2019 General Election. For comparison, forty-two percent (42%) of newly registered voters cast a ballot in the 2018 General Election.

New Registrations, 2015-2019



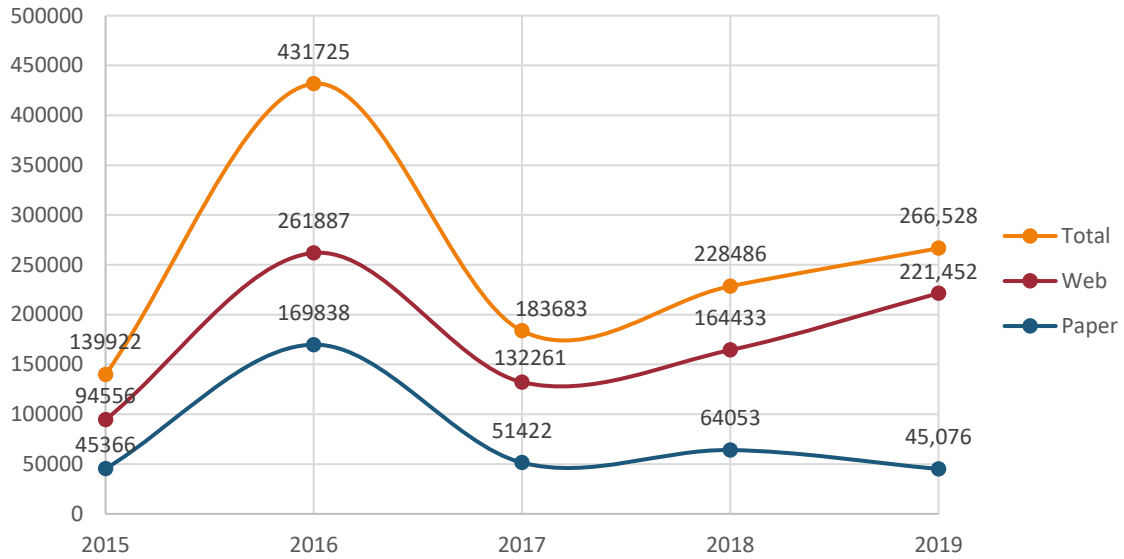
18.25% of New Registrants Voted in November



Method Used to Register

Since the implementation of electronic registration at the Department of Motor Vehicles and the online voter registration portal in 2014, the percentage of people registering to vote electronically instead of by paper application has continuously increased. The number of registrations submitted electronically as a percentage of the overall number went up in 2019 (83%) when compared to 2018 (72%).

Registration Method Data Statistics 2015-2019

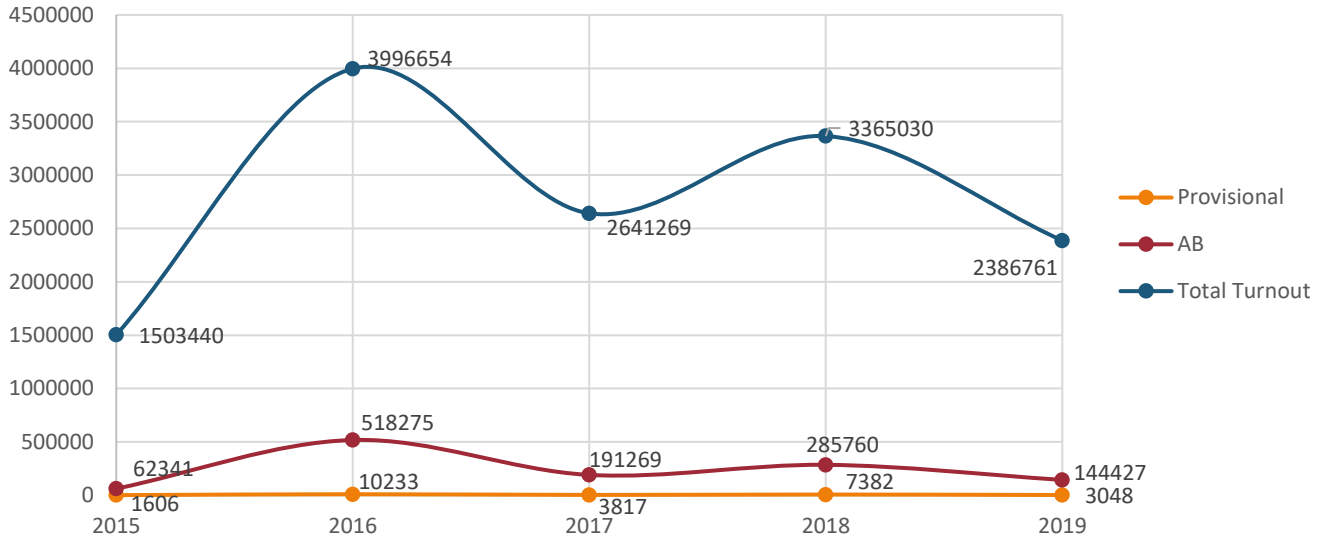


2019 November Turnout

Odd year elections without statewide offices historically present a downturn in voter participation. The trend bore true again in 2019. However, with control of the Virginia General Assembly at stake, the 2019 turnout number was markedly higher than the 2015 number. Total voter turnout in 2019 was:

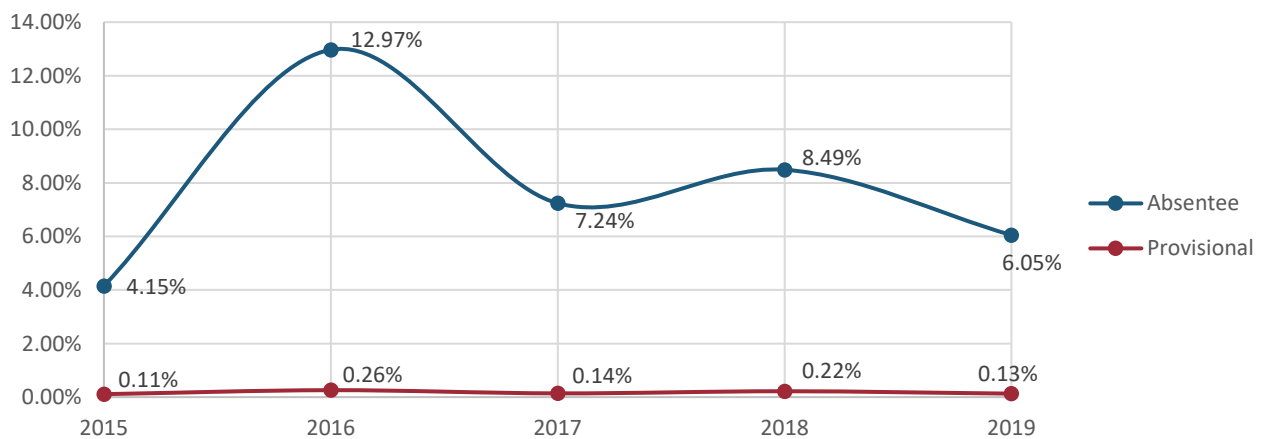
- 159% of 2015,
- 60% of 2016 (presidential),
- 90% of 2017, and
- 71% of 2018.

2015-2019 Total Turnout, AB, & Provisional



Virginia's rise in both the number and percentage of voters choosing to vote absentee over previous non-presidential election years retreated slightly in 2019 but still represents an increase when compared to 2015. The chart above provides the actual numbers, and the chart below shows the percentage of absentee voting and provisional ballots cast as a portion of the overall vote total.

AB & Provisional Turnout by Percentage



November 5, 2019 Post-Election Report

A total of 175,788 Virginia voters requested an absentee ballot for the 2019 General Election. Of those requests, 149,746 voters (85%) returned their ballots (using the methods shown in the chart below) in time to be counted.

In 2019, the General Assembly passed legislation allowing for no-excuse, in-person early voting beginning nine (9) days before the 2020 General Election. The change has the potential to alter the Election Day versus absentee voting numbers, as many more voters are expected to vote early when the law takes effect for November 2020. Several bills have been introduced during the 2020 General Assembly that would expand the early voting time frame to forty-five (45) days. Such a change would likely cause the percentage of people voting early/absentee to increase drastically.

Absentee ballots returned on/before Election Day:

Return Method	Count	%
Designated Representative	27	0.02%
In Person	93,609	62.51%
Mail	56,038	37.42%
Mail (Non-USPS)	72	0.05%
Grand Total	149,746	100%

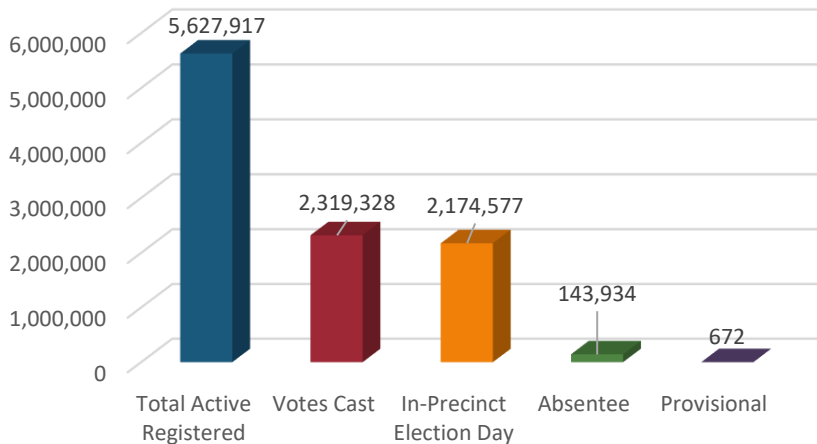
Absentee ballots returned after Election Day:

Return Method	Count	%
Designated Representative	0	0%
In Person	5	.11%
Mail	4,693	99.83%
Mail (Non-USPS)	3	0.06%
Grand Total	4,701	100%

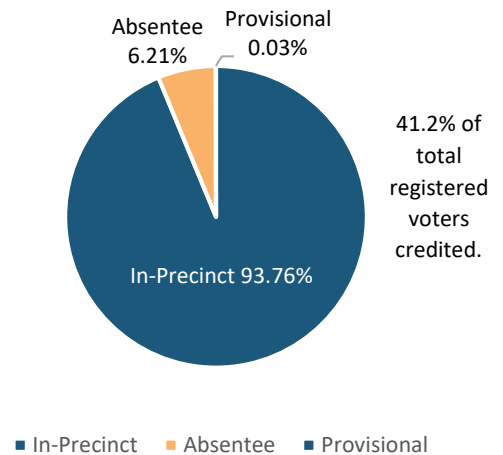
Voters and Votes Cast

Forty-one percent of Virginia's active registered voters cast a ballot in the November General Election. Of those voting, 93.76% cast their ballot in-person in a precinct on Election Day, 6.21% cast absentee ballots, and 0.03% voted provisional.

Votes Cast by Type



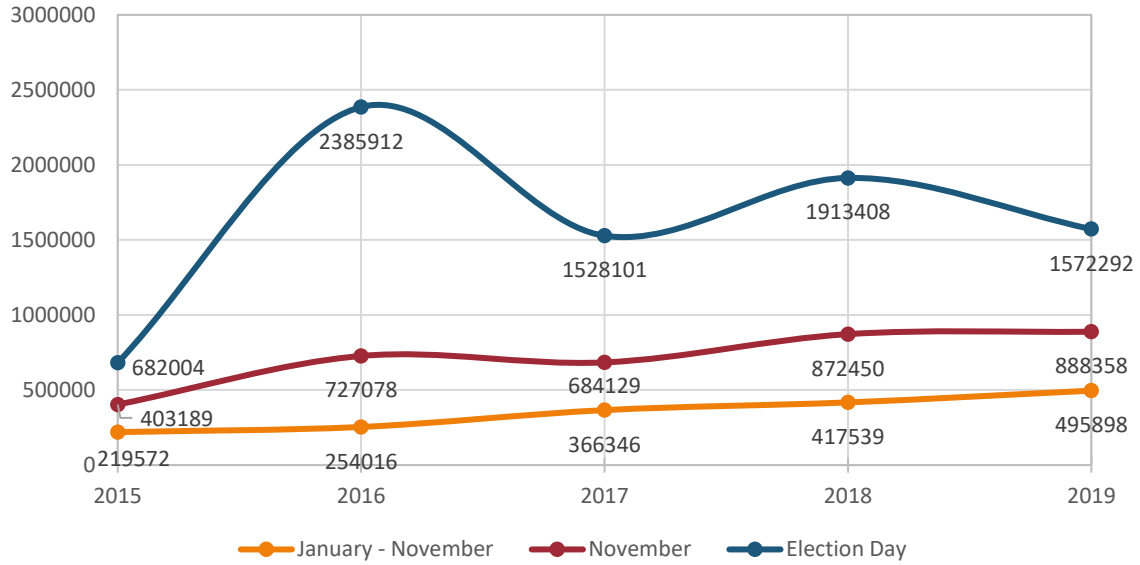
Votes Cast by Type Percentage



Web Traffic

In consistent fashion, the Department of Elections website had more traffic in 2019 than for previous non-federal election years (2017 and 2015). Traffic is expected to rise considerably in 2020 as it did in previous federal election years (2016 and 2018).

Elections.Virginia.gov Total Visitors



Call Center and Online Complaints

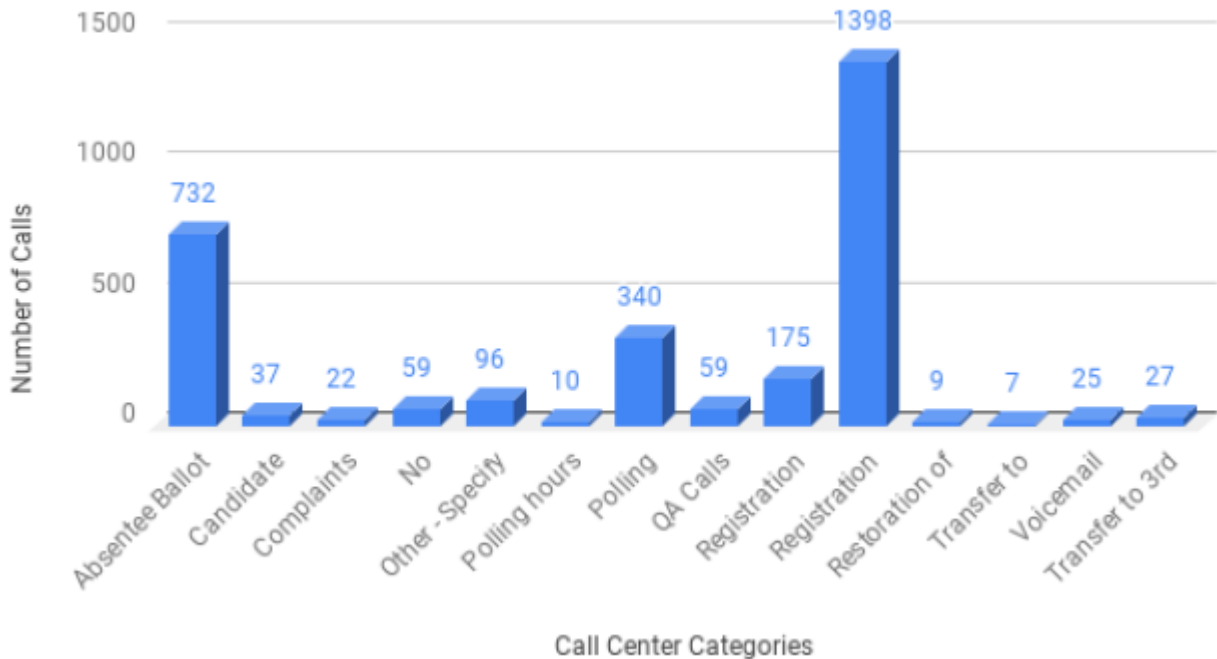
Call Center

In addition to providing information to voters, media, and the general public through the website, the Department of Elections receives a large number of telephone calls. These calls allow the Department to interact directly with constituents to provide information and services. In September, the Department employed a professional call center in effort to ensure timely management of telephone calls. Customer service representatives were given information on some of the most frequently asked questions and instructions on when to escalate a call to staff at the Department. The majority of the calls received by the Department were questions about absentee ballots and voter registration.

September 3, 2019 through November 5, 2019

Call Center Total Calls: 2,996

Call Center Disposition



KEY: Dispositions

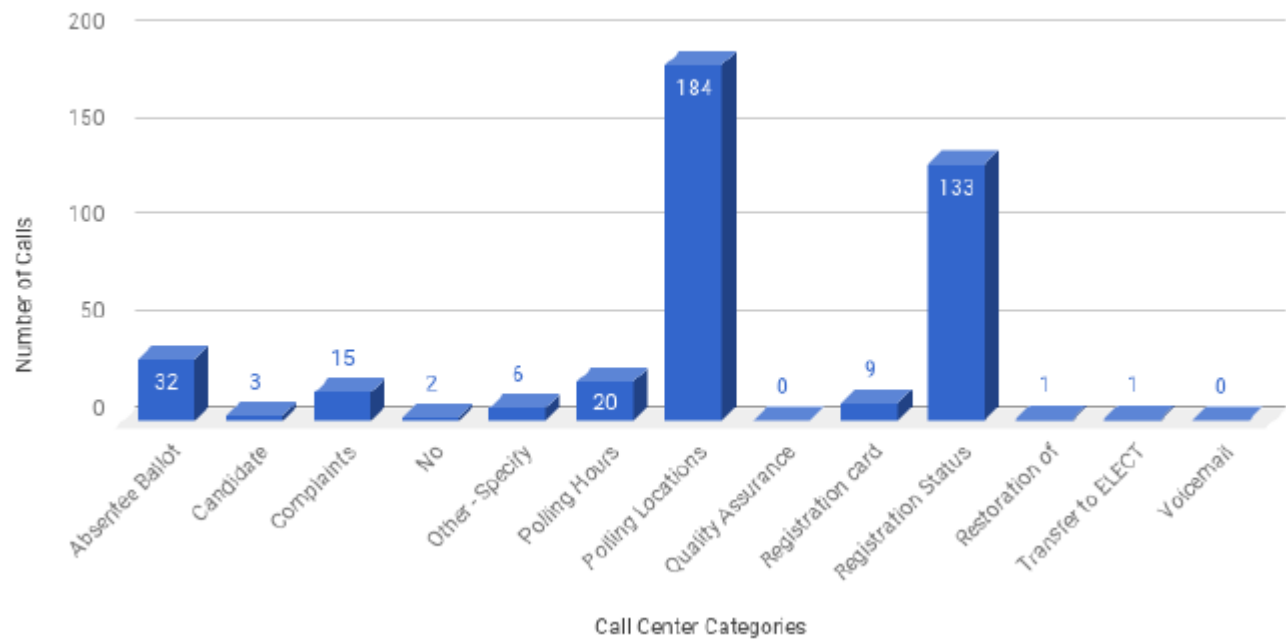
- Absentee Ballot Information
- Candidate Information
- Complaints
- No Disposition/Caller Hung up
- Other - Specify
- Polling Hours
- Polling Locations
- Quality Assurance Calls
- Registration card not yet received
- Registration Status
- Restoration of Rights
- Transfer to ELECT
- Voicemail Processed/ After Hours or Weekends

- Average Handle Time: 2:23 mins
- Average Talk Time: 2:27 mins
- Average Call Wait: 1 sec
- Average Queue Callback Wait Time: 0 sec
- Average Voicemail Callback Wait: 0 sec
- Highest Disposition: Registration Status

Election Day – November 5, 2019

Call Center Total Calls: 406

Call Center Disposition



KEY: Dispositions
 Absentee Ballot Information
 Candidate Information
 Complaints
 No Disposition/Caller Hung up
 Other - Specify
 Polling Hours
 Polling Locations
 Quality Assurance Calls
 Registration card not yet received
 Registration Status
 Restoration of Rights
 Transfer to ELECT
 Voicemail Processed/ After Hours or Weekends

- Average Handle Time: 2:11 mins
- Average Talk Time: 2:07 mins
- Average Call Wait: 1 sec
- Average Queue Callback Wait Time: 1 sec
- Average Voicemail Callback Wait: 0 sec
- Highest Disposition: Polling Locations

Online Complaints

For several years, the Department of Elections has provided an online tool for voters to voice their concerns about an election. In most cases, election officials in the voter’s locality best adjudicate these issues and the Department forwards these issues to the local general registrar (with follow-up from the Department to determine the outcome). A few of the issues are more urgent and require immediate attention from Department staff. These issues most often involve whether someone is registered to vote, finding a voter’s correct polling place, or other factors that may limit a voter’s ability to cast a ballot.

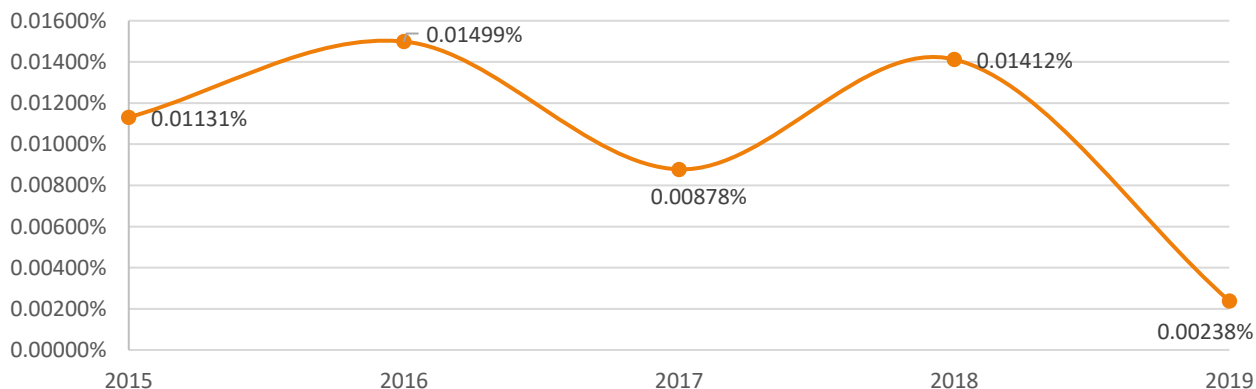
By providing a high-level overview of the patterns of voter complaints, the system sometimes alerts the Department staff to analyze complaint data and monitor what may be a situation developing in a locality or precinct. In the majority of cases, the general registrar or Officers of Election are already aware of a particular situation (e.g. long lines, voting machines issues, etc.), are working on a solution, and simply have not had time to contact the Department. In rare cases, the Department will reach out to the locality and be the first to report a problem or pattern of issues to the general registrar. Either way, the voter complaint system allows the Department and general registrars to quickly recognize and work to resolve Election Day issues.

The Department of Elections’ voter complaint website received a total of 152 complaints on Election Day 2019. While that may sound like a large number, it’s important to keep it in the context of the election as a whole. As a percentage of turnout, voter complaints came from 0.002% of the Commonwealth’s electorate. While this is a small percentage in the overall scope of Election Day, that does not diminish the importance of solving voter’s issues and learning to better anticipate and prepare for problems should they arise in future elections. Some key takeaways from this year’s complaints compared with prior years are:

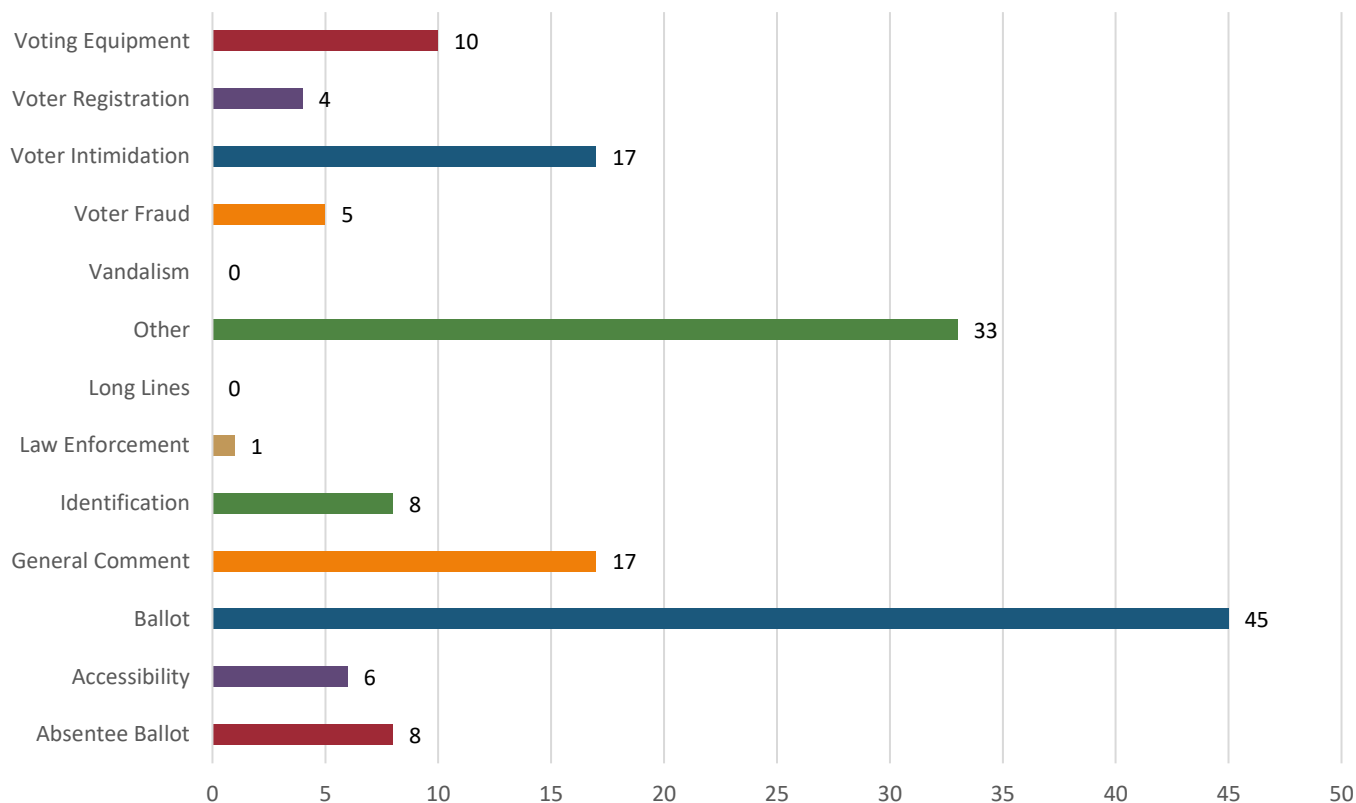
- Voter complaints in each of the past five years totaled less than 1/100th of a percent of turnout.
- 2019 saw the lowest number of voter complaints in the past 5 years.
- Accessibility and voter intimidation complaints dropped drastically in 2019 compared to the four prior years.

Demonstrative of the Commonwealth’s capacity to address voter complaints is the progress that Chesterfield County made in the area of long lines at polling places. In 2018, the Department received a considerable number of complaints regarding long lines and waiting times at polling places, and a majority of these complaints came from Chesterfield County. Recognizing this as a prime concern among their voters, Chesterfield County conducted a comprehensive review of their polling place and Election Day procedures for the purpose of making the voter’s experience at the ballot box as streamlined as possible. As a result of their practical response to their electorate’s concerns, Chesterfield County received no complaints of long lines in the 2019 election.

Voter Complaints as Percentage of Turnout 2015-2019



2019 Complaints by Type of Incident



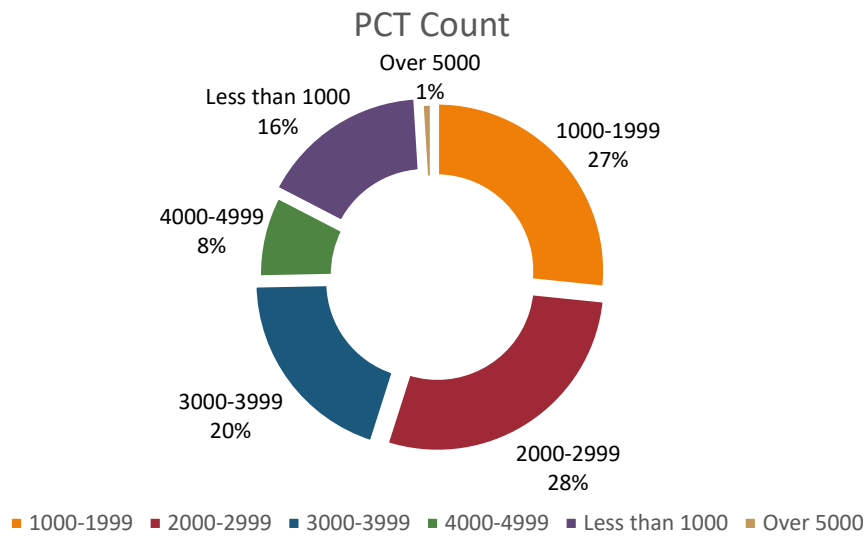
Type of Incident	2015	2016	2017	2018	2019
Absentee Ballot	3	61	18	26	8
Accessibility	15	27	15	32	6
Ballot	23	46	26	27	45
General Comment	24	51	26	42	17
Identification	9	28	12	27	8
Law Enforcement	2	2	1	2	1
Long Lines	1	15	2	113	0
Other	44	101	45	69	33
Vandalism	1	0	0	0	0
Voter Intimidation	17	58	34	44	5
Voter Registration	12	153	29	11	17
Voter-Fraud	4	21	12	20	4
Voting Equipment	15	36	12	62	10
Totals	170	599	232	475	152

Special Topics

Precinct Sizes

Localities across the Commonwealth employed 2,581 precincts in the November 5, 2019 General Election. This number is up from 2,441 precincts in 2018. From rural to suburban to urban, these precincts and their polling places are designed to provide voters with the ability to cast their ballots in an efficient manner. VA Code § [24.2-307](#) requires precincts to have no more than 5,000 active registered voters at the time the precinct is established. The Code also requires a general registrar to report to their governing body anytime the number of registered voters who cast a ballot in a presidential election exceeds 4,000.

As of November 2019, 24 precincts have grown to more than 5,000 active and inactive registered voters. In November, 2018 that number was 40. An additional 194 precincts (201 in November 2018) are close to that number.



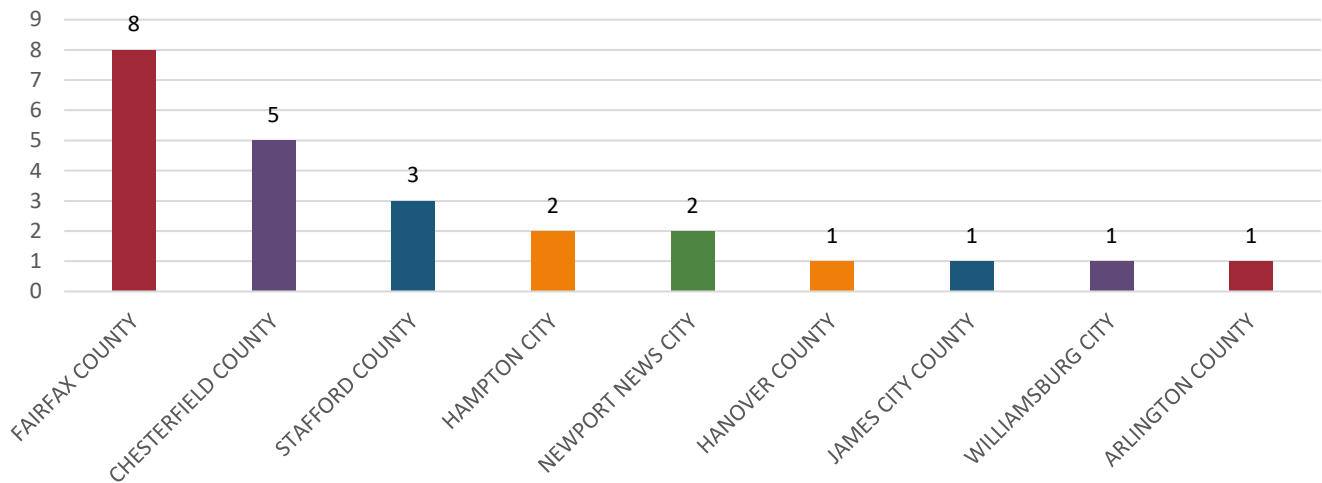
All Reg Voters in Precinct	Precinct Count
Less than 1,000	403
1,000-2,000	653
2,000-3,000	694
3,000-4,000	485
4,000-5,000	194
Over 5,000	24
Grand Total	2453

Precincts Close to Max

All Reg Voters in Precinct	Precinct Count
4,000-4,500	133
4,500-5,000	61
Over 5,000	24
Grand Total	218

24 precincts in 9 localities have over 5k active and inactive registered voters

Localities with over 5k Active & Inactive Reg Voters in a Precinct



61 Precincts in 19 Localities Are Approaching 5,000 (4,500 to 5,000 voters)

LocalityName	PCT Between 4500 and 5000 Voters
ALBEMARLE COUNTY	1
ALEXANDRIA CITY	4
ARLINGTON COUNTY	2
CHESTERFIELD COUNTY	5
FAIRFAX COUNTY	17
FAUQUIER COUNTY	1
FREDERICKSBURG CITY	1
HAMPTON CITY	2
HENRICO COUNTY	1
JAMES CITY COUNTY	1
LYNCHBURG CITY	4
NEWPORT NEWS CITY	4
NORFOLK CITY	1
PRINCE WILLIAM COUNTY	6
SHENANDOAH COUNTY	2
SPOTSYLVANIA COUNTY	5
STAFFORD COUNTY	2
TAZEWELL COUNTY	1
YORK COUNTY	1
Total	61

Election Administration Tasks

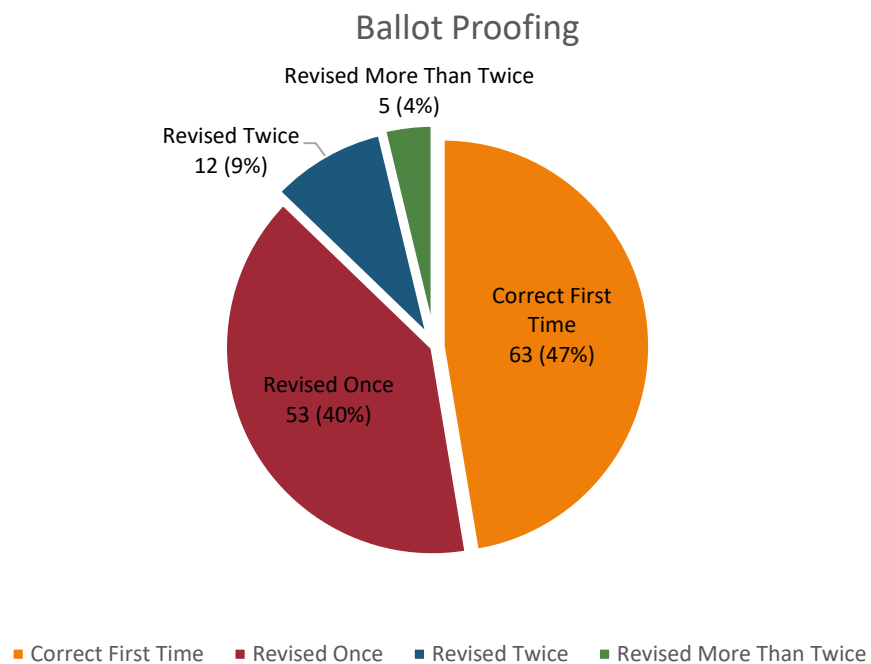
The Department requires reports, information, or certification of completion from the general registrars for several election administration tasks. The tasks include the following:

- Ballot Proofing,
- Absentee Ballot Mailing Compliance (AB compliance),
- Logic and Accuracy Testing Certification (L&A Testing),
- Election Night Reporting (ENR) Office Verification,
- Election Night Preliminary Results including estimated provisional turnout numbers,
- Actual Voter Turnout including Provisional Ballots,
- Error Report Verification,
- Voter Credit, and
- Election Abstracts/Checklist.

These tasks serve a variety of functions. Some are certification that legal requirements have been met, while others serve to make election night reporting and abstract production more accurate.

Ballot Proofing

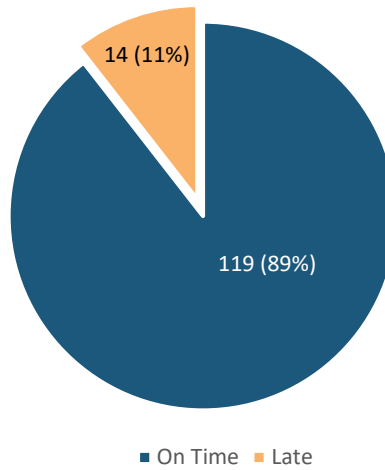
All ballots must be approved by the Department of Elections prior to their use in any election (VA Code § [24.2-612](#)). For the 2019 General Election, 63 localities submitted proofs of their ballot that did not require revisions.



Absentee Compliance

VA Code § [24.2-612](#) requires general registrars to report to the Department of Elections that ballots were available for both absentee voting by mail and in-person at least 45 days before Election Day. For this election, 119 localities reported on time to the Department, and 14 localities were late in their reporting. Ultimately, all localities were determined to have met the 45-day requirement.

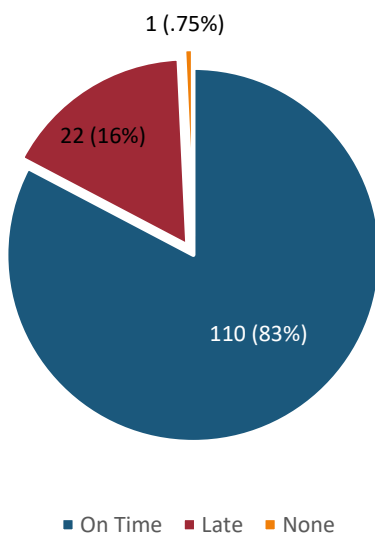
AB Compliance Survey



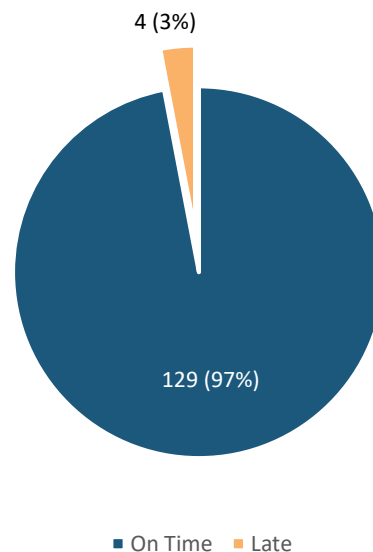
Logic and Accuracy Testing

Prior to each election, voting machines must be tested for logic and accuracy. The Logic and Accuracy (L&A) Testing ensures that the vote tabulators are correctly recording the votes from each ballot cast. L&A Testing is required to be performed on each machine that will be used for absentee voting and Election Day and must be completed before the machine is used. The Department of Elections requires that each locality certify that testing has been completed.

AB L&A



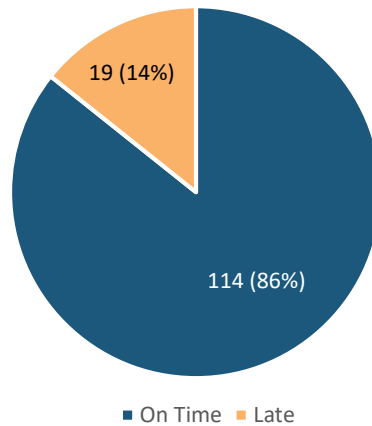
Election Day L&A



Confirm Offices Using Election Night Reporting Website

Prior to Election Day, the Department sends notice to all localities asking them to review the information presented in their Election Night Reporting (ENR) web site screens on the Department’s website. By verifying this information prior to the election, the Department can ensure all necessary elements (contests, candidates, ballot issues, precincts, etc.) are represented in order to present accurate information to the public on election night. Verifying the information in advance can reduce errors and delays in reporting.

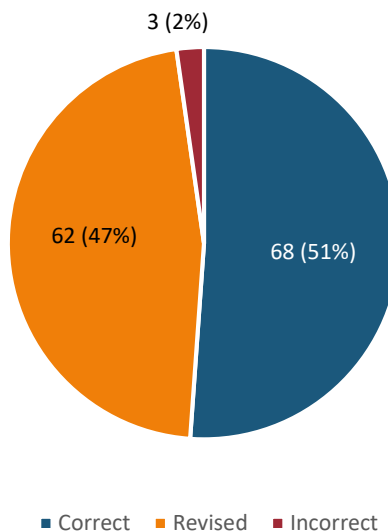
ENR Website Verification



Voter Turnout Data

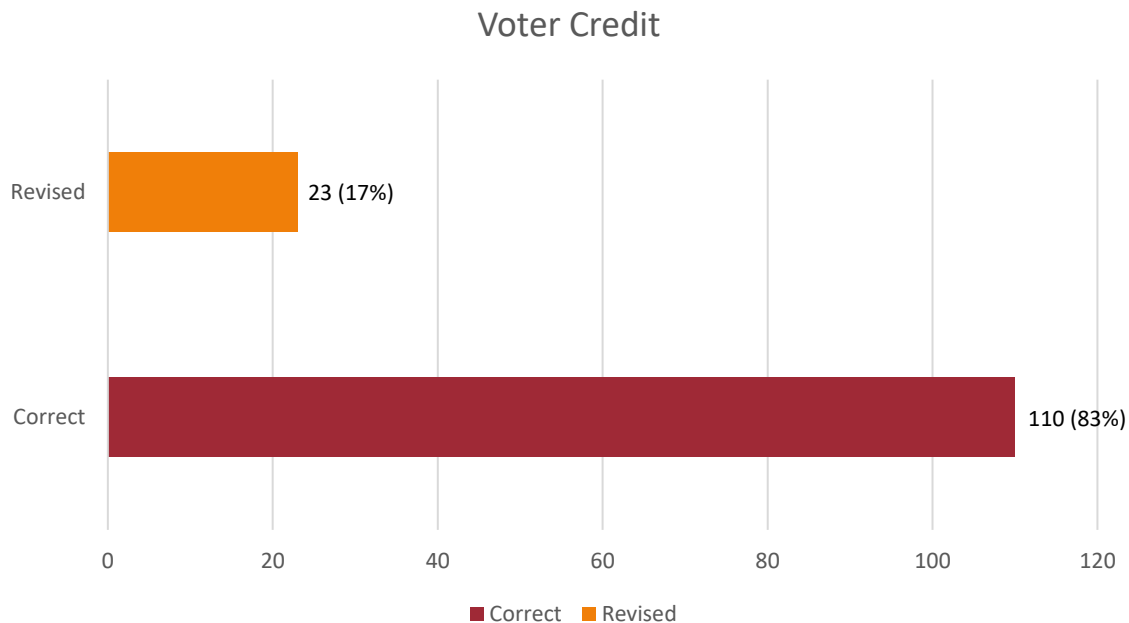
Voter turnout involves a combination of factors including, but not limited to, Election Day precinct voters, in-person and by mail absentee voters, and provisional voters. Presenting an accurate picture of the electorate by the end of canvass allows insight into the activities of voters for one election. The data from that information can be helpful in planning for future elections.

Voter Turnout (as of Feb 3, 20)



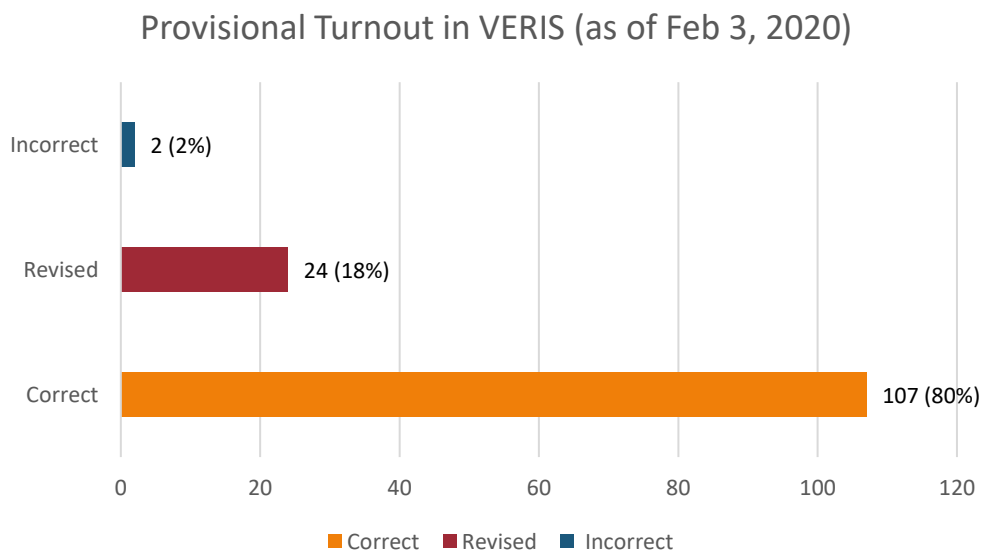
Voter Credit

Localities across the Commonwealth use either electronic or paper pollbooks to verify that a voter is registered and voting in the correct precinct. Localities who utilize paper poll books are provided with an extended deadline (30 days) to enter the information into voters' records in the Virginia Election and Registration Information System (VERIS). The chart below presents the success of the localities in applying voter credit to records after Election Day.



Provisional Voter Turnout

Another aspect of presenting accurate election information is providing provisional voter turnout. Provisional voter turnout completes the reporting of overall turnout and helps present patterns in provisional voting that may indicate a more widespread problem within a locality or throughout the Commonwealth

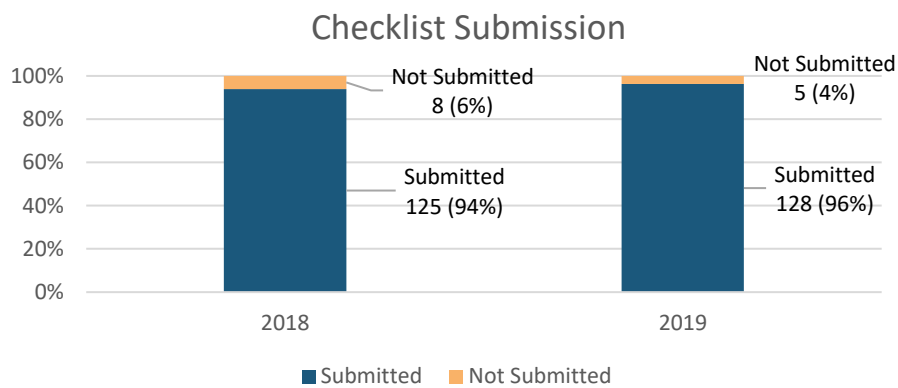


Election Results Verification

After previous elections, it was sometimes the case that data entered into VERIS and presented on the Department’s website did not fully reflect Election Day. This issue was brought before the State Board of Elections by a member of the Virginia Electoral Board Association (VEBA). In response to these concerns, and with additional staffing in place, the Department instituted a new process for verifying locality election data in VERIS. This is the second year for which this process has been used.

Prior to Election Day, the Department sends detailed instructions to all general registrars reminding them of the reports already available in VERIS that allow them to check and crosscheck data to ensure their entries are correct. The Department runs these same reports when verifying a locality’s abstracts prior to State Board certification.

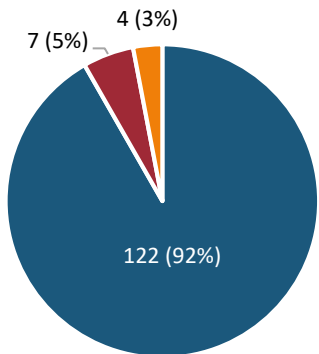
The Department instituted use of a Checklist as a means of reminding localities to run the reports as well as providing an easily accessible list of items to submit to the Department after canvass. In most cases, the Checklist has worked well and been helpful to both the locality and the Department.



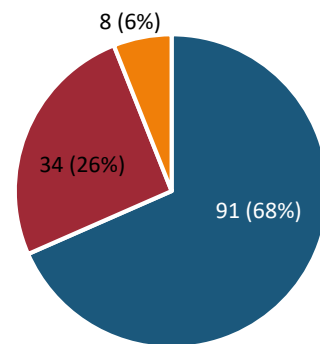
Abstracts of Votes

Abstracts are the official record of the votes cast for candidates, constitutional amendments, and referenda. It is essential that election abstracts are correct. The Department works closely with localities to ensure abstracts submitted to the Department accurately reflect vote totals. Localities submit their abstracts to the Department electronically for inspection. Once the electronic versions are approved by the Department, localities mail the originals to the Department. The electronic versions must be submitted as soon as the locality’s canvass concludes to ensure the Department has time to review and approve all of the localities’ abstracts. The Department then prepares the abstracts that are certified by the State Board of Elections.

2018 Electronic Abstract Submission



2019 Electronic Abstract Submission



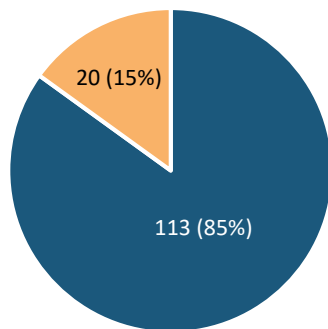
■ Correct ■ Revised ■ Submitted Paper Abstracts Only

■ Correct ■ Revised ■ Submitted Paper Abstracts Only

Voided Ballots

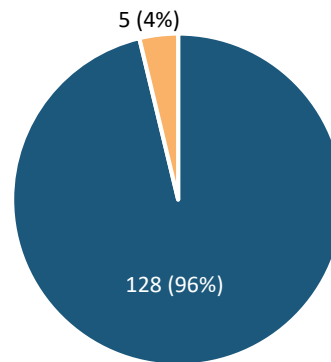
VA Code § [24.2-612](#) requires general registrars to submit a copy of each ballot used in an election for historical record purposes.

2018 Void Ballots Submission
(as of Dec 12, 2018)



■ Submitted ■ Not submitted

2019 Void Ballots Submission
(as of Feb 3, 2020)



■ Submitted ■ Not submitted

Areas Identified for Training

Each year, the Department of Elections and general registrars continue to improve the results verification process. With each election the Department is able to highlight areas for training, especially related to entering data into VERIS. Vote count results are being entered accurately, however, it is apparent that not all general registrars understand how to utilize post-election results verification reports to catch errors.

These reports can help catch human errors such as entering a number into the wrong field or transposing numbers. The Department ran these reports for all localities and worked with general registrars during canvass to identify and correct issues. Department staff tracked the kinds of issues found during this process and will build future training around these. Below are a few additional areas identified for 2020 training:

- Absentee
 - A few localities had gaps between absentee voter credit and Central Absentee Precinct voter turnout. The gaps were resolved either by including rejected absentee ballots into the CAP voter turnout or by concluding incomplete absentee records.
 - A small number of localities misunderstood the Department's guidance document and entered higher than expected values into the "In Person" central absentee precinct (CAP) voter turnout area within VERIS. The general registrars reported all of the in person absentee traffic rather than those absentee voters that return their mailed absentee ballot on Election Day.
- Write In Certifications and Winners
 - Fifteen (15) localities either didn't submit a required write-in certification or submitted an incorrect one.
 - Five (5) localities failed to enter write-in winners into VERIS.
 - These same localities failed to execute the needed write in certifications for these write-in winners.

Major Issues during the 2019 General Election

Virginia Department of Elections

Prior to the polls closing on Election Day, the Department received notice that the Election Night Reporting (ENR) website showed incorrect candidates for two offices in Charles City County. Upon investigation of the reported issue, staff at the Department determined that candidate information for those two offices was indeed incorrect. Election Administration staff verified that Charles City County had certified that the information was correct on the ENR website, and contacted the Information Services team to see if a correction could be made. The correction created an unanticipated error causing the ENR website to indicate that 100% of precincts had been reported regardless of the actual number. Information Services staff pulled the website offline until the new error could be corrected. As a result, the Department's ENR website was offline for approximately an hour and a half. The outage for the website did not impact the localities' ability to enter results and other outlets received the feed without error from the Department allowing them to timely and properly display the election night results while the Department corrected the website display error.

Campbell County

Campbell County precinct Glaydis is a split precinct. A poll worker at Glaydis was unaware of the split, and provided all voters the same ballot for a short period of time after the polling place opened. Twenty-five (25) voters were impacted. Once the General Registrar became aware of the issue, the error was corrected and the poll worker was replaced.

Chesterfield County

The Election Day issues in Chesterfield County involved malfunctioning voting machines and electronic pollbook equipment.

In precinct 108, the Elections Systems and Software DS200 voting machine stopped operating. The equipment technician was unable to repair the machine and restore operation. Precinct 108 was assigned two optical scanning machines, and voting was able to continue through the arrival of a replacement voting machine.

Precincts 413, 415, 416, and 417 had issues with flash drives containing the voter information necessary to operate electronic poll books. The flash drives used were over 8 years old. Two of the impacted precincts (413 and 417) were issued replacement flash drives shortly after the general registrar was notified of the problems. Precincts 415 and 416 were able to resolve the issue without replacing the flash drives.

Stafford County

Stafford County had issues with ballot styles on Election Day due to incorrect voter information and ballot styles being provided by the receipt printer during the check-in process. The number of voters affected has not been determined. Reviewing the memo presented to the Department by the locality, the locality immediately pulled the affected printers and used the EPB screen presentation to provide accurate ballot styles to voters.

Prince William County

Prince William County's issues centered on misprinted ballots. For this election, Prince William County had 44 ballot styles and ordered their printed ballots from their regular ballot-printing vendor. The first shipment received from the vendor had an incorrect number of ballots, and Prince William County was required to order a second shipment. The second shipment contained misprinted ballots, and the issue was not discovered until Election Day. The ballots printed for the Woodbridge District, which affected 12 precincts, duplicated the front page on both sides of the ballot. As an emergency solution, Prince William County had ballots reprinted in the general registrar's office and reprinted ballots in a local printing shop. Prince William County printed 7,000 ballots.

For the 2020 Presidential Primary, Prince William County has changed ballot-printing vendors.

Insufficient number of ballots.

Multiple localities failed to ensure each polling place had a sufficient number of ballots. Pursuant to VA Code § [24.2-612](#), each general registrar must inform the Department of the number of ballots ordered for the election. The Department has authority to direct the general registrar to order the printing of more ballots. While many general registrars ordered a sufficient number of ballots for the locality as a whole, individual precincts within these specific localities were not supplied an adequate number.

Impacted localities:

Frederick County: The locality did not have a sufficient number of ballots due to an unexpected increase in voter participation. While the general registrar ordered an amount equal to nearly 40% of the registered voters, the locality saw a turnout of almost 50% for this election. To help remedy the issue, the locality began photocopying emergency ballots for all precincts early in the day and continued this process for all voters. Each polling place has an ExpressVote print-on-demand available for voters; however, some voters were not comfortable with using the ExpressVote machine or chose to wait for a ballot.

Norfolk City: Three precincts (East Ocean View, Third Presbyterian, and Suburban Park) had an insufficient number of ballots on hand. Precincts experienced higher than expected turnout and a large number of void/spoiled ballots due to voter error. The General Registrar theorizes the voter errors may have been related to recent redistricting in Norfolk from the February 14, 2019 Court Order. Additionally, there may have been increased public interest in the election due to visits from Vice President Mike Pence and actress Kerry Washington over the weekend immediately preceding the election.

As precincts began to run lower on ballot stock, chief officers of election contacted the Norfolk Elections Warehouse or General Registrar's office for additional ballots that were readily available in stock. Ballots were delivered via Electoral Board members and sworn Officers. Additionally, the registrar's office printed more ballots of each style and made those available for delivery, if needed. The registrar's office has ballot on demand printers available as well. Each Norfolk precinct utilizes ADA accessible devices, and ballots can be printed in the precinct immediately, if needed. Chief officers were trained on the ADA accessible machines prior to the election, and the general registrar's office reviewed printing instructions with chief officers before Election Day.

Richmond City: One precinct was affected by an insufficient number of printed ballots. The error occurred in calculating the number of voters in that part of a split precinct. The precinct is split four ways, and the population data could not be directly extracted from VERIS. Because of this, the population in each part of the split was incorrectly calculated and fewer ballots were estimated to be necessary.

The general registrar directed the poll workers to contact the office if ballot numbers fell below 50. The poll workers did not follow this guidance and waited until the ballots were almost gone. Further, the poll workers did not use the established emergency procedure of having voters use ExpressVote or photocopying the ballot. The situation was remedied shortly after it became an issue. The general registrar had ballots delivered to the polling place within 30 minutes.

Recounts

There were a total of six (6) offices for which localities conducted recounts after the election. A total of seven (7) localities were involved in the recounts. The table below shows the offices, localities involved, and the cost of each recount. In each case, the outcome of the election did not change. Because the difference in vote totals in each was not more than one-half of one percent, each locality was responsible for the full cost of each recount (VA Code [24.2-802\(E\)](#)).

Office	Locality/Localities	Total Cost
House of Delegates District 83	Norfolk/Virginia Beach	\$ 36,869.00
Commonwealth's Attorney	Orange County	\$ 3,600.00
Board of Supervisors	Mathews County	\$ 7,243.64
Board of Supervisors	Stafford County	\$ 1,573.77
Soil and Water Conservation Director	York County	\$ 5,946.31
Town Council	Floyd County (Town of Floyd)	\$ 828.82

Court Actions

Accomack County

In Accomack County, the Republican Party of Virginia (RPV) issued a complaint to the Attorney for the Commonwealth relating to allegations that an individual may have violated VA Code § [24.2-1012](#). RPV also filed for a Motion for Temporary Injunction against the Electoral Board and General Registrar to prevent them from counting absentee ballots until the issue could be decided. Ultimately, the court did not rule on the injunction prior to the time to count absentee ballots on Election Day. Accomack County counted the ballots as required by law, and the court never ruled on the injunction.

Buchanan County

The Buchanan County Republican Committee filed a Motion for Temporary Injunction to prevent the Electoral Board and General Registrar from counting any absentee ballots related to any ongoing investigation into alleged violations of law. The court denied the Motion for Temporary Injunction and all absentee ballots were counted.

Fairfax County

The New Virginia Majority Education Fund filed for a Temporary Injunction on behalf of 177 college students whose voter registration was denied because the General Registrar claimed not to have enough information to place the applicant in the correct precinct. The students had provided their residence address as required by law, but did not go further to provide the dorm information the General Registrar claimed to need in order to complete the registration. The court granted the temporary injunction and ordered the Fairfax County General Registrar's Office to allow those 177 applicants to provide dorm information for their application and register through 5:00 p.m. on the Saturday before Election Day. The order also allowed those same individuals to vote provisionally on Election Day, provide the dorm information, and have their provisional vote count if they voted in the correct precinct.

Newport News City

Voters at Christopher Newport University often register using the same college campus address (1000 University Place). While the address is obviously in one location, the voters are spread out over a variety of physical locations. Because of the physical locations, some voters actually belong in Wellesley Precinct and others in Boulevard Precinct. The court ordered the Electoral Board and General Registrar to, on Election Day, require voters with the college campus address to provide an exact residential address, determine the appropriate precinct for the voter, and refer the voter to the appropriate polling location to cast their ballot.

Summary and Suggested Best Practices

As noted in the introduction, the data presented here tells the story of the 2019 General Election. Ultimately, the story is a good one. With well over 2.3 million people casting a ballot and the vast majority of those doing so between the hours of 6AM and 7PM in a single day, there are always likely to be issues that come up. However, by working together, planning in advance, and knowing and implementing best practices, the vast majority of problems are solved quickly and in a manner that improves the voter's experience.

General registrars, Electoral Board members, and the Department of Elections will take the story of 2019, learn its lessons, and plan for improvements going into the 2020 presidential election.

It is with the information presented that the Department's staff recommends the following to improve election administration in the Commonwealth for future elections:

- Work with local election officials to determine how to improve absentee system to ensure more timely delivery of absentee ballots,
- Keep precinct sizes as small as possible, certainly within legal limits,
- Plan for more officers of election than the minimum required,
- Work with the governing body of the locality to procure spare equipment,
- Encourage general registrars to incorporate the Department created officer of election training tools into their officer of election training sessions, and
- Encourage general registrars to use the Department created election night and canvas training tools.

November 5, 2019 Post-Election Report

Appendix A – Buchanan Court Information

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Buchanan County Circuit - Civil Division
Pleadings/Orders Detail

Case Number: CL19000965-00

Filed	Type	Party	Judge	Book	Page	Remarks
11/06/19	Initial Filing	PLT				COMPLAINT W/ EXHIBIT & LTR
11/13/19	Non Suit		BKP			
11/18/19	Letter					FR MONAHAN TO CLERK
11/06/19	Service					PROOFS
11/08/19	Motion	PLT				FOR LEAVE TO NONSUIT
11/08/19	Draft Order					

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Build #: 3.8.1.1

Name List

Pleadings/Orders

Services

Main Menu

Logoff

Buchanan County Circuit - Civil Division**Case Details**

Case Number: CL19000965-00	Filed: 11/06/19
Filing Type: Declaratory Judgment	
Number of Plaintiffs: 0003	Number of Defendants: 0003
Commenced By: Initial Filing	
Bond:	Complex Case:

If there are more than three plaintiffs or defendants as indicated under "Number of Plaintiffs" or "Number of Defendants" in the table above, please contact the court for the additional party information.

Plaintiffs

Plaintiff 1: **BUCHANAN CO REPUBLIC COMMITTEE**

Trading as:

Attorney: RATLIFF, BRADLEY

Plaintiff 2: **HERNICK, MARCY; VC**

Trading as:

Attorney: RATLIFF, BRADLEY

Plaintiff 3: **HERNICK, MARCY**

Trading as:

Attorney: RATLIFF, BRADLEY

Defendants

Defendant 1: **BUCHANAN CO ELECTORAL BOARD**

Trading as:

Attorney: PRO SE

Defendant2: **CLEVINGER, VICKI**

Trading as:

Attorney: PRO SE

Defendant3: **BUCHANAN CO DEMOCRATIC COMMITT**

Trading as:

Attorney: PRESLEY, VERN

Hearings

#	Date	Time	Type	Room	Duration	Jury	Result
---	------	------	------	------	----------	------	--------

Date Ordered To Mediation:

Final Disposition

- **Judgment:** Other
- **Final Order Date:** 11/13/19
- **Appealed Date:**
- **Concluded By:** Dismissal

[Name List](#)
[Pleadings/Orders](#)
[Services](#)
[Main Menu](#)
[Logoff](#)

Build #: 3.8.1.1

Cedar Bluff, Virginia | Main Office
1053 Cedar Valley Drive
P. O. Box 33
Cedar Bluff, Virginia 24609
Voice: (276) 522-1220
Fax: (276) 206-2255

Weston, WV Office
324 ½ Center Avenue
Weston, WV 26452
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THE
RATLIFF LAW FIRM
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Serving Virginia and West Virginia
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Bradley C. Ratliff, Attorney at Law^o
Jeffrey W. Stowers, Jr., Attorney at Law^o
Kristen N. Lawson, Attorney at Law^o
Mikal-Ellen Bennett, Attorney at Law^o†
Natasha L. Ratliff, Practice Administrator

FEIN: 46-2156927

Sender's E-Mail: Brad@ratlifflaw.net

November 1, 2019

VIA HAND-DELIVERY

The Honorable Beverly S. Tiller
Clerk of Court
BUCHANAN COUNTY CIRCUIT COURT
P. O. Box 929
Grundy, VA 24614

**RE: The Buchanan County Republican Committee, et al v.
Buchanan County Electoral Board, et al
Case No.: Unassigned
Buchanan County Circuit Court**

Dear Ms. Tiller:

Attached herewith, please find a Motion for Temporary Injunction that we request be immediately filed on behalf of the Buchanan County Republican Committee. This injunctive relief is sought based on credible evidence of electoral misconduct, which has been included in Affidavit form in support of this Motion. Given the minimal duration of time until the election, time is clearly of the essence in this matter and we request a hearing as soon as practicable.

Thank you in advance for your kind attention and consideration. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bradley C. Ratliff', written over a large, stylized flourish.

Bradley C. Ratliff

BCR/

Cc: Buchanan County Republican Committee
Ms. Marcy Hernick
Christopher M. Marston, Esq.

Enclosure

COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No.

(CLERK'S OFFICE USE ONLY)

Buchanan County

Circuit Court

Buchanan Co. Republican Committee, and Marcy Hernick v./In re: Buchanan County Electoral Board and Vicki Clevinger

PLAINTIFF(S)

DEPENDANT(S)

in her own behalf and as Vice Chairwoman of BUchanan Co. Re

in her official capacity as Buchanan Co. Gen. Registrar

I, the undersigned [] plaintiff [] defendant [] attorney for [] plaintiff [] defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- [] Claim Impleading Third Party Defendant
[] Monetary Damages
[] No Monetary Damages
[] Counterclaim
[] Monetary Damages
[] No Monetary Damages
[] Cross Claim
[] Interpleader
[] Reinstatement (other than divorce or driving privileges)
[] Removal of Case to Federal Court

Business & Contract

- [] Attachment
[] Confessed Judgment
[] Contract Action
[] Contract Specific Performance
[] Detinue
[] Garnishment

Property

- [] Annexation
[] Condemnation
[] Ejectment
[] Encumber/Sell Real Estate
[] Enforce Vendor's Lien
[] Escheatment
[] Establish Boundaries
[] Landlord/Tenant
[] Unlawful Detainer
[] Mechanics Lien
[] Partition
[] Quiet Title
[] Termination of Mineral Rights

Tort

- [] Asbestos Litigation
[] Compromise Settlement
[] Intentional Tort
[] Medical Malpractice
[] Motor Vehicle Tort
[] Product Liability
[] Wrongful Death
[] Other General Tort Liability

ADMINISTRATIVE LAW

- [] Appeal/Judicial Review of Decision of (select one)
[] ABC Board
[] Board of Zoning
[] Compensation Board
[] DMV License Suspension
[] Employee Grievance Decision
[] Employment Commission
[] Local Government
[] Marine Resources Commission
[] School Board
[] Voter Registration
[] Other Administrative Appeal

DOMESTIC/FAMILY

- [] Adoption
[] Adoption - Foreign
[] Adult Protection
[] Annulment
[] Annulment - Counterclaim/Responsive Pleading
[] Child Abuse and Neglect - Unfounded Complaint
[] Civil Contempt
[] Divorce (select one)
[] Complaint - Contested*
[] Complaint - Uncontested*
[] Counterclaim/Responsive Pleading
[] Reinstatement - Custody/Visitation/Support/Equitable Distribution
[] Separate Maintenance
[] Separate Maintenance Counterclaim

WRITS

- [] Certiorari
[] Habeas Corpus
[] Mandamus
[] Prohibition
[] Quo Warranto

PROBATE/WILLS AND TRUSTS

- [] Accounting
[] Aid and Guidance
[] Appointment (select one)
[] Guardian/Conservator
[] Standby Guardian/Conservator
[] Custodian/Successor Custodian (UTMA)
[] Trust (select one)
[] Impress/Declare/Create
[] Reformation
[] Will (select one)
[] Construe
[] Contested

MISCELLANEOUS

- [] Amend Death Certificate
[] Appointment (select one)
[] Church Trustee
[] Conservator of Peace
[] Marriage Celebrant
[] Approval of Transfer of Structured Settlement
[] Bond Forfeiture Appeal
[] Declaratory Judgment
[] Declare Death
[] Driving Privileges (select one)
[] Reinstatement pursuant to § 46.2-427
[] Restoration - Habitual Offender or 3rd Offense
[] Expungement
[] Firearms Rights - Restoration
[] Forfeiture of Property or Money
[] Freedom of Information
[x] Injunction
[] Interdiction
[] Interrogatory
[] Judgment Lien-Bill to Enforce
[] Law Enforcement/Public Official Petition
[] Name Change
[] Referendum Elections
[] Sever Order
[] Taxes (select one)
[] Correct Erroneous State/Local
[] Delinquent
[] Vehicle Confiscation
[] Voting Rights - Restoration
[] Other (please specify)

[] Damages in the amount of \$ are claimed.

10/31/2019

DATE

Bradley C. Ratliff, Esq. | THE RATLIFF LAW FIRM

PRINT NAME

1053 Cedar Valley Drive, Cedar Bluff, VA 24609

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

(276) 522-1220

Brad@ratlifflaw.net

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

[] PLAINTIFF [] DEFENDANT [x] ATTORNEY FOR [] PLAINTIFF [] DEFENDANT

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF BUCHANAN

BUCHANAN COUNTY REPUBLICAN
COMMITTEE and MARCY HERNICK,
on her own behalf and in her capacity as
Vice Chairwoman, Buchanan County
Republican
Committee

.....PLAINTIFFS

Case No.: _____

v.

BUCHANAN COUNTY ELECTORAL
BOARD, and VICKI CLEVINGER, in her
official capacity as Buchanan County
General Registrar

.....DEFENDANTS

PLAINTIFF’S MOTION FOR INJUNCTIVE RELIEF

The Buchanan County Republican Committee and Marcy Hernick (“Plaintiffs”), by counsel and pursuant to Section 8.01-184 of the Code of Virginia (the “Code”), move this Court to enjoin the Buchanan County Electoral Board and Vicki Clevinger, in her official capacity as General Registrar (together, “Defendants”), from processing or counting any absentee ballot that is part of any ongoing investigation by the Buchanan County Office of the Commonwealth’s Attorney (“the suspect absentee ballots”) until such time as the Buchanan County Commonwealth’s Attorney finds that the ballot was not cast, or attempted to be cast, in violation of the absentee voting procedures prescribed in Chapter 7 (§ 24.2-700 et seq.) of the Code. In support of their Complaint, Plaintiffs state as follows:

Parties, Jurisdiction and Venue

1. Defendant, Buchanan County Electoral Board (the “Electoral Board”) is appointed pursuant to Section 24.2-106 of the Code to administer the conduct of elections in Buchanan County, Virginia. Defendant, Vicki Clevinger (the “Registrar”) is the General

Registrar of Buchanan County, appointed by the Electoral Board pursuant to Va. Code 24.2-110, to carry out various duties prescribed by the Electoral Board.

2. The Buchanan County Republican Committee (the "Committee") is a unit of the Republican Party of Virginia. The Committee represents its members and the candidates it has nominated to run in the General Election held, November 5, 2019.

3. Marcy Hernick is Vice Chairwoman of the Buchanan County Republican Committee, a Member of the Republican Party of Virginia, and a registered voter in Buchanan County.

4. This Court has jurisdiction over the subject matter of this lawsuit pursuant to Section 8.01-184 of the Code. This Court has, or will have, jurisdiction over Defendants following service of process pursuant to Sections 8.01-296 and -300 of the Code.

5. Venue is proper in this Court pursuant to Section 8.01-261(2) of the Code.

Governing Law

6. Chapter 7 (§ 24.2-700 et seq.) of the Code sets forth the provisions for absentee voting in the Commonwealth of Virginia.

7. Section 24.2-706 directs a general registrar to review each application for an absentee ballot to ascertain whether the applicant is a registered voter, and whether the application was properly completed and signed, and that the applicant is a registered voter of the precinct in which he offers to vote; and only upon finding all of that to be in order, shall send or deliver to the applicant the specified absentee voting materials (e.g. ballot, ballot envelope with voter statement, return envelope, and instructions for completing the ballot).

8. Section 24.2-710 directs that on receipt of an absentee ballot, the electoral board or general registrar shall mark the date of receipt, and a board member or registrar shall deposit

the return envelope and the unopened ballot envelope in an appropriate container where it remains until Election Day, unless the general registrar opts to begin processing absentee ballots prior to Election Day (including opening the sealed ballot envelopes and inserting the ballots in optical scan counting equipment) in accordance with the procedures set forth in section 24.2-709.1.

9. Pursuant to section 24.2-712, the governing body of each county may establish one or more central absentee voter precincts for the purpose of receiving, counting, and recording absentee ballots cast in the county or city; and furthermore, absentee ballots may be processed at the central absentee voter precinct prior to the closing of the polls on Election Day.

10. Chapter 6 (§ 24.2-600 et seq.) sets forth the provisions for the general administration of elections in the Commonwealth of Virginia.

11. Pursuant to section 24.2-671, the electoral board shall meet at or before 5:00 p.m. on the day after the election. The Board's sole pertinent role is to ascertain the outcome of the election by reference to the returns of the total votes in the county or city, or town in a town election, for each candidate and for or against each question and complete the abstract of votes cast at such election." *Id.*

12. Section 24.2-1090 provides that any complaint or allegation concerning unlawful conduct under title 24.2 shall be filed with the attorney for the Commonwealth of the county or city in which the alleged violation occurred.

12. Pursuant to Section 24.2-706, circuit courts have jurisdiction to issue an injunction to enforce the provisions thereof upon the application of any aggrieved voter, or political party Vice Chairwoman in an election district in whole or in part in the court's jurisdiction.

Facts

12. On October 31, 2019, Christopher Marston, Esq., Counsel to the Republican Party of Virginia, filed a complaint with Gerald Arrington Esq., Attorney for the Commonwealth for Buchanan County, alleging, upon information and belief, that violations of §24.2-1012 of the Code relating to absentee voting had occurred in connection with the 2019 general election. A copy is attached herewith and fully incorporated herein as Exhibit "A."

13. Upon information and belief, Gerald Arrington, Esq., Attorney for the Commonwealth for Buchanan County, will open an investigation into the allegations made by Mr. Marston.

14. Upon information and belief, the suspect absentee ballots are currently in the possession of Defendants.

15. Upon information and belief, based on sworn Affidavits attached hereto and incorporated fully herein as Exhibit "B," the subject ballots are improper and in violation of applicable law.

16. Virginia Code section 24.2-707(C) states, in pertinent part, as follows: "Failure to follow the procedures set forth in subsection A or B shall render the applicant's ballot void."

17. Once an absentee ballot has been voted (that is, the envelope opened and the ballot deposited into the ballot container containing voted ballots), it cannot subsequently be identified or retrieved.

18. The Defendants do not have the statutory authority to set aside the suspect absentee ballots without a court order.

Argument and Authorities

19. This court has jurisdiction to issue the injunctive relief sought by Plaintiff Ms. Hernick because she is the Vice Chairwoman of the Republican Party of Buchanan County, and the relief he seeks pertains to absentee ballots which were attempted to be cast in an election district in this Court's jurisdiction.

20. As the Supreme Court of Virginia stated in *Levisa Coal Co. v. Consolidation Coal Co.*, “[u]nder well-established principles . . . the granting of an injunction is an extraordinary remedy and rests on the sound judicial discretion to be exercised upon consideration of the nature and circumstances of a particular case.” 662 S.E.2d 44, 53 (Va. 2008). See, e.g., *Seventeen, Inc. v. Pilot Life Ins. Co.*, 205 S.E.2d 648, 653 (Va. 1974); *Akers v. Mathieson Alkali Works*, 144 S.E. 492, 494 (1928). When determining whether an injunction should issue, courts weigh the following four factors: 1) whether the plaintiff has an adequate remedy at law; 2) whether the plaintiff will suffer irreparable harm if the defendant's actions are not enjoined; 3) whether the harm to the defendant is excessively out of proportion to the harm suffered by the plaintiff; and 4) whether there is an effect on the public. See e.g., *Virginia Beach S.P.C.A., Inc. v. South Hampton Rds. Veterinary Ass'n.*, 329 S.E.2d 10, 13 (Va. 1985); *Clayborn v. Camilla Red Ash Coal Co.*, 105 S.E. 117 (Va. 1920). Courts balance these factors to determine if a plaintiff should obtain injunctive relief. See *Fancher*, 650 S.E.2d at 523; *Blue Ridge Poultry & Egg Co. v. Clark*, 176 S.E. 2d 323 (1970). The most important factors are irreparable injury and harm to the nonmoving party. See *Long & Foster Real Estate, Inc. v. CLPF–King Street Venture, L.P.*, 74 Va. Cir. 87, 2007 WL 5969400 (Va.Cir.Ct. 2007).

21. Here, Plaintiff is entitled to injunctive relief. Plaintiff will suffer immediate and irreparable harm if an injunction is not granted because once a ballot is counted, it cannot be

segregated and removed from the vote totals if it is subsequently determined that it was fraudulently requested or cast.

22. Any harm to the Defendants caused by this Court ordering them to temporarily set aside and not process or count the suspect absentee ballots is minimal, because the Defendants can move ahead with all other election processes until such time as the Commonwealth's Attorney completes his investigation.. The Defendants do not have a lawful interest that would be harmed by an injunction prohibiting them from violating Virginia election law. Any minimal administrative inconvenience the Defendants may suffer is far outweighed by the Defendants' statutory and constitutional obligations to enforce the laws that provide for a fair and orderly election process.

23. There is a very strong public interest in permitting legitimate state statutory processes to operate to preclude voting by those who are not entitled to vote. *See Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 196 (2008) ("There is no question about the legitimacy or importance of the State's interest in counting only the votes of eligible voters."). The public interest would suffer a grave harm if any of the suspect absentee ballots were cast by persons not entitled to vote but nonetheless counted. Accordingly, the public interest is served by the entry of an order enjoining the processing and counting of the suspect absentee ballots until the Commonwealth's Attorney's investigation is complete.

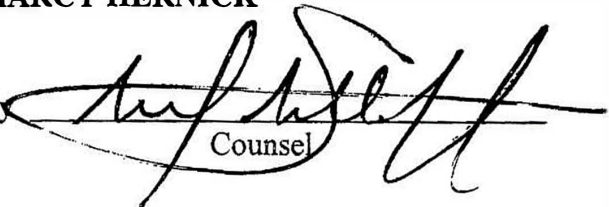
24. In the framework of requests for injunctive relief in an election setting, the Supreme Court has stated that "[i]n awarding or withholding immediate relief, a court is entitled to and consider the proximity of a forthcoming election and the mechanics and complexities of election laws, and should act and rely upon general equitable principles." *Reynolds v. Sims*, 377 U.S. 533, 585 (1964); *Purcell v. Gonzalez*, 549 U.S. at 4 (denying injunction to suspend voter

identification rules “[g]iven the imminence of the election” and the State’s “compelling interest in preserving the integrity of the election process” and “preventing voter fraud”). The suspect absentee ballots are already in the possession of the Defendants, who are statutorily entitled to begin processing absentee ballots prior to the November 5, 2019 election, so time is of the essence.

Request for Relief

For the foregoing reasons, Plaintiffs respectfully request this Honorable Court to immediately issue an injunction stopping the Defendants from processing or counting any absentee ballot that is under investigation by the Buchanan County Commonwealth’s Attorney until such time as the investigation is complete and any fraudulent ballots are so identified.

**BUCHANAN COUNTY REPUBLICAN
COMMITTEE *and*
MARCY HERNICK**

By 
Counsel

Bradley C. Ratliff, (VSB No.: 74185)
THE RATLIFF LAW FIRM
1053 Cedar Valley Drive
Cedar Bluff, Virginia 24609
V: (276) 522-1220
F: (276) 206-2255
E: Brad@ratlifflaw.net
Counsel to the Buchanan County Republican Party

CERTIFICATE

I certify that on October ^{31st} 2019, I sent a copy of this Complaint for Emergency Injunctive Relief to Ms. Vicki Clevinger, Buchanan County General Registrar in her capacity as General Registrar and personally, at her address of record, and to the Buchanan County Electoral Board 1012 Walnut Street, Grundy, Virginia 24614



Counsel

EXHIBIT "A"

Copy of Correspondence dated October 31, 2019 from Christopher M. Marston, Esq., General Counsel, Republican Party of Virginia to Gerald Arrington, Esq., Buchanan County Commonwealth's Attorney.



THE RATLIFF LAW FIRM

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Republican Party of Virginia

www.rpv.org

October 31, 2019

Hon. Gerald D. Arrington
Buchanan County Commonwealth's Attorney
1012 Walnut St, Room 426
PO Box 804
Grundy VA 24614

VIA E-mail info@buchanan-ca.org; and Facsimile (276) 935-5781

Dear Mr. Arrington,

I write to make a complaint about potentially unlawful conduct under title 24.2 of the Code of Virginia pursuant to section 24.2-1019.

Specifically, I believe that Trey Adkins, Knox District Supervisor, may have committed offenses as to absent voters under section 24.2-1012.

Upon information and belief, Adkins secured absentee ballot applications from approximately 250 of the registered voters in the precincts within Knox District, filling out the applications on their behalf. None of these applications had a check mark in section 8 "Assistance To Vote" or information in section 9 "Assistant's Statement/Info".

Adkins returned to at least some of these voters once the voters had received absentee ballots, either observed them marking their ballots or assisted them in filling out their ballots, assisted them in filling out the required "Statement of Voter" on the ballot envelope, took the return ballot envelope and deposited the envelope in the mail.

Section 24.2-707 provides that "the voter shall, in the presence of a witness, (i) open the sealed envelope marked "ballot within" and (ii) mark and refold the ballot ... without assistance and without making known how he marked the ballot, except as provided by section 24.2704" (24.2-704 applies to voters who marked the "Assistance to Vote" box on their application). It

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PAID FOR AND AUTHORIZED BY THE REPUBLICAN PARTY OF VIRGINIA. CONTRIBUTIONS ARE NOT TAX DEDUCTIBLE.

further provides "[a]fter the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the same envelope, (d) enclose the ballot envelope and any required assistance form with in the envelope directed to the general registrar, and (e) seal that envelope and mail it to the office of the general registrar or deliver it personally to the general registrar."

Adkins conduct appears to violate the absentee voting procedures and I respectfully request that you investigate his misconduct.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris M. Marston", with a stylized flourish at the end.

Christopher M. Marston,
General Counsel

Cc: Marcy Hernick, Vice-Chair, Republican Party of Buchanan County

AFFIDAVIT OF Brooke Vance

Commonwealth of Virginia
Buchanan County

The undersigned, Brooke Vance, being duly sworn, hereby deposes and says:

1. I am over the age of 18 and am a resident of the Commonwealth of Virginia. I suffer no legal disabilities. I have personal knowledge of the facts herein, and, if called as a witness, could testify competently thereto.
2. Trey Adkins observed how I marked my ballot.
3. Trey Adkins filled in the blanks in the "Statement of Voter" on the ballot envelope
4. Trey Adkins took my ballot in the return envelope and said that he would return it to the Registrar for me.

B.V.S. He took my absence Tee form, that he brought to me to complete.

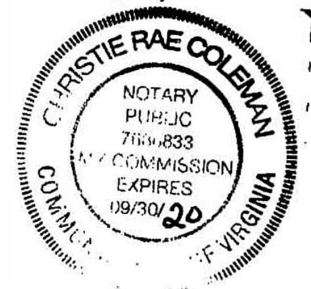
6.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this 31 day of October 2019.

Brooke Vance
(Signature)

Name: Brooke Vance



NOTARY ACKNOWLEDGMENT

Commonwealth of Virginia, Buchanan County, ss:

This Affidavit was acknowledged before me on this 31st day of October 2019, by Brooke Vance, who, being first duly sworn on oath according to law, deposes and says that he has read the foregoing Affidavit subscribed by him and that the matters stated herein are true to the best of his information knowledge and belief.

Christie Rae Coleman
Notary Public

My commission expires 9-30-20

AFFIDAVIT OF Duane Vance

Commonwealth of Virginia
Buchanan County

The undersigned, Duane Vance, being duly sworn, hereby deposes and says:

1. I am over the age of 18 and am a resident of the Commonwealth of Virginia. I suffer no legal disabilities. I have personal knowledge of the facts herein, and, if called as a witness, could testify competently thereto.
2. Trey Adkins observed how I marked my ballot.
3. Trey Adkins filled in the blanks in the "Statement of Voter" on the ballot envelope
4. Trey Adkins took my ballot in the return envelope and said that he would return it to the Registrar for me.

MDV. 5. He brought the ballot absentee form, and filled it out for me. and took it with me.

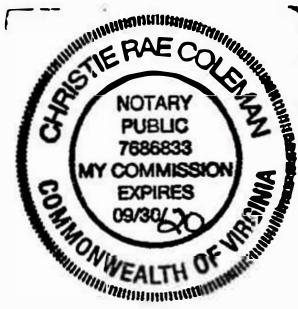
6.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this 31 day of October 2019.

Mason Lewis
(Signature)

Name: MUSFORD Duane Vance



NOTARY ACKNOWLEDGMENT

Commonwealth of Virginia, Buchanan County, ss:

This Affidavit was acknowledged before me on this 31st day of October 2019, by Duane Vance, who, being first duly sworn on oath according to law, deposes and says that he has read the foregoing Affidavit subscribed by him and that the matters stated herein are true to the best of his information knowledge and belief.

Christie Rae Coleman
Notary Public

My commission expires 9/30/20

AFFIDAVIT OF Carolyn Davis 1

Commonwealth of Virginia
Buchanan County

The undersigned, Carolyn Davis, being duly sworn, hereby deposes and says:

1. I am over the age of 18 and am a resident of the Commonwealth of Virginia. I suffer no legal disabilities. I have personal knowledge of the facts herein, and, if called as a witness, could testify competently thereto.

2. Trey Adkins ~~called me on approximately~~ came to my home 8-2019 and asked me ~~if I needed him to pick up my ballot and return it to the Registrar for me.~~

C.D. Trey called and ask IF My 89 yr Uncle Needed help filling out his Ballot.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this 31st day of October 2019.

Carolyn Davis
(Signature)

Name: Carolyn Davis



NOTARY ACKNOWLEDGMENT

Commonwealth of Virginia, Buchanan County, ss:

This Affidavit was acknowledged before me on this 31st day of October 2019, by Carolyn Davis, who, being first duly sworn on oath according to law, deposes and says that he has read the foregoing Affidavit subscribed by him and that the matters stated herein are true to the best of his information knowledge and belief.

Christie Rae Coleman
Notary Public

My commission expires 9-30-2020

C.D. Trey did not ask me The reason I requested The Abstee Ballots

AFFIDAVIT OF BOBBY LEE MAY

Commonwealth of Virginia
Buchanan County

The undersigned, BOBBY LEE MAY, being duly sworn, hereby deposes and says:

1. I am over the age of 18 and am a resident of the Commonwealth of Virginia. I suffer no legal disabilities. I have personal knowledge of the facts herein, and, if called as a witness, could testify competently thereto.
2. On Thursday, October 3 at approximately 10:30 am/pm, I observed Trey Adkins deposit what appeared to be a large number of envelopes that I suspect to be absentee ballot envelopes in a USPS Collection Box outside of the USPS Post Office at 7505 Lesters Fork Rd, Hurley VA 24620.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this 31st day of October 2019.


 Bobby Lee May



NOTARY ACKNOWLEDGMENT

Commonwealth of Virginia, Buchanan County, ss:

This Affidavit was acknowledged before me on this 31st day of October 2019, by Bobby Lee May, who, being first duly sworn on oath according to law, deposes and says that he has read the foregoing Affidavit subscribed by him and that the matters stated herein are true to the best of his information knowledge and belief.


 Notary Public

My commission expires 9/30/20

EXHIBIT “C”

Applicable Virginia Statutes



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Code of Virginia
Title 8.01. Civil Remedies and Procedure
Chapter 24. Injunctions

§ 8.01-626. When court grants or refuses injunction, justice of Supreme Court or judge of Court of Appeals may review it.

Wherein a circuit court (i) grants an injunction or (ii) refuses an injunction or (iii) having granted an injunction, dissolves or refuses to enlarge it, an aggrieved party may, within 15 days of the court's order, present a petition for review to a justice of the Supreme Court; however, if the issue concerning the injunction arose in a case over which the Court of Appeals would have appellate jurisdiction under § 17.1-405 or 17.1-406, the petition for review shall be initially presented to a judge of the Court of Appeals within 15 days of the court's order. The aggrieved party shall serve a copy of the petition for review on the counsel for the opposing party, which may file a response within seven days from the date of service unless the court determines a shorter time frame. The petition for review shall be accompanied by a copy of the proceedings, including the original papers and the court's order respecting the injunction. The justice or judge may take such action thereon as he considers appropriate under the circumstances of the case.

When a judge of the Court of Appeals has initially acted upon a petition for review of an order of a circuit court respecting an injunction, a party aggrieved by such action of the judge of the Court of Appeals may, within 15 days of the order of the judge of the Court of Appeals, present a petition for review of such order to a justice of the Supreme Court if the case would otherwise be appealable to the Supreme Court in accordance with § 17.1-410. The aggrieved party shall serve a copy of the petition for review on the counsel for the opposing party, which may file a response within seven days from the date of service unless the court determines a shorter time frame. The petition for review shall be accompanied by a copy of the proceedings before the circuit court, including the original papers and the circuit court's order respecting the injunction, and a copy of the order of the judge of the Court of Appeals from which review is sought. The justice may take such action thereon as he considers appropriate under the circumstances of the case.

Code 1950, § 8-618; 1977, c. 617; 1984, c. 703; 2014, c. 526.

Code of Virginia
Title 24.2. Elections
Chapter 6. The Election

§ 24.2-649. Assistance for certain voters; penalties.

A. Any voter age 65 or older or physically disabled may request and then shall be handed a printed ballot by an officer of election outside the polling place but within 150 feet of the entrance to the polling place. The voter shall mark the printed ballot in the officer's presence but in a secret manner and, obscuring his vote, return the ballot to the officer. The officer shall immediately return to the polling place and shall deposit a paper ballot in the ballot container in accordance with § 24.2-646 or a machine-readable ballot in the ballot scanner machine in accordance with the instructions of the State Board.

Any county or city that has acquired an electronic voting machine that is so constructed as to be easily portable may use the voting machine in lieu of a printed ballot for the voter requiring assistance pursuant to this subsection. However, the electronic voting machine may be used in lieu of a printed ballot only so long as: (i) the voting machine remains in the plain view of two officers of election representing two political parties, or in a primary election, two officers of election representing the party conducting the primary, provided that if the use of two officers for this purpose would result in too few officers remaining in the polling place to meet legal requirements, the voting machine shall remain in plain view of one officer who shall be either the chief officer or the assistant chief officer and (ii) the voter casts his ballot in a secret manner unless the voter requests assistance pursuant to this section. After the voter has completed voting his ballot, the officer or officers shall immediately return the voting machine to its assigned location inside the polling place. The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results.

B. Any qualified voter who requires assistance to vote by reason of physical disability or inability to read or write may, if he so requests, be assisted in voting. If he is blind, he may designate an officer of election or any other person to assist him. If he is unable to read and write or disabled for any cause other than blindness, he may designate an officer of election or some other person to assist him other than the voter's employer or agent of that employer, or officer or agent of the voter's union.

The officer of election or other person so designated shall not enter the booth with the voter unless (i) the voter signs a request stating that he requires assistance by reason of physical disability or inability to read or write and (ii) the officer of election or other person signs a statement that he is not the voter's employer or an agent of that employer, or an officer or agent of the voter's union, and that he will act in accordance with the requirements of this section. The request and statement shall be on a single form furnished by the State Board. If the voter is unable to sign the request, his own mark acknowledged by him before an officer of election shall be sufficient signature, provided no mark shall be required of a voter who is blind. An officer of election shall advise the voter and person assisting the voter of the requirements of this section and record the name of the voter and the name and address of the person assisting him.

The officer of election or other person so designated shall assist the qualified voter in the preparation of his ballot in accordance with his instructions and without soliciting his vote or in any manner attempting to influence his vote and shall not in any manner divulge or indicate, by signs or otherwise, how the voter voted on any office or question. If a printed ballot is used, the officer or other person so designated shall deposit the ballot in the ballot container in accordance with § 24.2-646 or in the ballot scanner machine in accordance with the instructions of the State Board.

C. If the voter requires assistance in a language other than English and has not designated a person to assist him, an officer of election, before he assists as interpreter, shall inquire of the representatives authorized to be present pursuant to § 24.2-604 whether they have a volunteer available who can interpret for the voter. One representative interpreter for each party or candidate, insofar as available, shall be permitted to observe the officer of election communicate

with the voter. The voter may designate one of the volunteer party or candidate interpreters to provide assistance. A person so designated by the voter shall meet all the requirements of this section for a person providing assistance.

D. A person who willfully violates subsection B or C is guilty of a Class 1 misdemeanor. In addition, the provisions of § 24.2-1016 and its felony penalties for false statements shall be applicable to any request or statement signed pursuant to this section, and the provisions of §§ 24.2-704 and 24.2-1012 and the felony penalties for violations of the law related to providing assistance to absentee voters shall be applicable in such cases.

E. In any precinct in which an electronic voting machine is available that provides an audio ballot, the officers of election shall notify a voter requiring assistance pursuant to this section that such machine is available for him to use to vote in privacy without assistance and the officers of election shall instruct the voter on the use of the voting machine. Nothing in this section shall be construed to require a voter to use the machine unassisted.

Code 1950, §§ 24-245, 24-251, 24-252, 24-310; 1950, c. 230; 1952, c. 581; 1962, c. 536; 1964, c. 593; 1969, Ex. Sess., c. 5; 1970, c. 462, §§ 24.1-129, 24.1-132, 24.1-220; 1973, c. 30; 1975, c. 515; 1978, c. 778; 1984, cc. 234, 775; 1985, cc. 197, 458; 1986, c. 558; 1987, c. 349; 1988, c. 598; 1993, c. 641; 2003, c. 1015; 2004, cc. 993, 1010; 2005, c. 569; 2006, c. 242; 2009, c. 809; 2014, cc. 540, 576.

Code of Virginia
Title 24.2. Elections
Chapter 10. Election Offenses Generally; Penalties

§ 24.2-1012. Offenses as to absent voters.

Any person who knowingly aids or abets or attempts to aid or abet a violation of the absentee voting procedures prescribed in § 24.2-649 and Chapter 7 (§ 24.2-700 et seq.) shall be guilty of a Class 5 felony.

Any person attempting to vote by fraudulently signing the name of a qualified voter shall be guilty of forgery and shall be guilty of a Class 4 felony.

Any public official who knowingly violates any of the provisions of the law concerning absent voters and thereby aids in any way the illegal casting, or attempting to cast a vote, or who connives to nullify any provisions of this chapter in order that fraud may be perpetrated, shall forever be disqualified from holding office in the Commonwealth and shall forever be disqualified from exercising the right of franchise.

Code 1950, § 24-345; 1956, c. 382; 1970, c. 462, § 24.1-274; 1993, c. 641; 2006, c. 242.

Code of Virginia
Title 24.2. Elections
Chapter 7. Absentee Voting

This section has more than one version with varying effective dates. Scroll down to see all versions.

§ 24.2-707. (Contingent expiration date, see second enactment clause of Acts 2019, cc. 668, 669) How ballots marked and returned by mail; cast in person; cast on voting equipment.

Per the second enactment clause of Acts 2019, cc. 668, 669, the provisions of those Acts are not applicable to elections until the general election on November 3, 2020, and as a result, this version of the Code section will continue to apply until such time.

A. On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644, and 24.2-646 without assistance and without making known how he marked the ballot, except as provided by § 24.2-704.

After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign the same envelope, (d) enclose the ballot envelope and any required assistance form within the envelope directed to the general registrar, and (e) seal that envelope and mail it to the office of the general registrar or deliver it personally to the general registrar. A voter's failure to provide in the statement on the back of the envelope his full middle name or his middle initial shall not be a material omission, rendering his ballot void, unless the voter failed to provide in the statement on the back of the envelope his full first and last name. A voter's failure to provide the date, or any part of the date, including the year, on which he signed the statement printed on the back of the envelope shall not be considered a material omission and shall not render his ballot void. For purposes of this chapter, "mail" shall include delivery by a commercial delivery service, but shall not include delivery by a personal courier service or another individual except as provided by §§ 24.2-703.2 and 24.2-705.

B. An applicant who makes his application to vote in person at a time when the printed ballots for the election are available shall follow the same procedure set in subsection A above except that he may complete the procedure in person in the office of the general registrar, or at another location or locations in the county or city approved by the electoral board, before a registrar, or, if a ballot is cast at that time, before the officers of election appointed by the electoral board. Any such location shall be in a public building owned or leased by the city, the county, or a town within the county, with adequate facilities for the protection of all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location. Such location may be in a facility owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities and for an office of the general registrar. Such location shall be deemed the equivalent of the office of the general registrar for the purpose of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706. Any applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar may send the items set forth in subdivisions 1 through 4 of § 24.2-706 to the applicant by mail, obtaining a certificate or other evidence of mailing.

C. Failure to follow the procedures set forth in subsection A or B shall render the applicant's ballot void.

The general registrar of any county or city using a central absentee voting precinct may provide for the casting of absentee ballots on voting equipment prior to election day by applicants who are voting in person. The Department of Elections shall prescribe procedures for the use of voting equipment. The procedures shall provide for the casting of absentee ballots prior to election day by in-person applicants on voting equipment which has been certified, and is

currently approved, by the Department of Elections. The procedures shall be applicable and uniformly applied by the Department of Elections to all jurisdictions using comparable voting equipment. At least two officers of election, one representing each political party, shall be present during all hours that absentee voting is available at any location at which absentee ballots are cast prior to election day.

The requirement that officers of election shall be present if ballots are cast on voting equipment prior to election day shall not be applicable when the voting equipment is located in the office of the general registrar and the general registrar or an assistant registrar is present.

Code 1950, §§ 24-334, 24-337; 1956, c. 525; 1970, c. 462, § 24.1-232; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1978, c. 778; 1981, c. 425; 1993, c. 641; 1996, c. 393; 1997, cc. 429, 450; 2001, cc. 617, 624; 2002, cc. 785, 819; 2003, cc. 478, 1015; 2006, c. 438; 2014, cc. 453, 574, 575; 2015, cc. 313, 644, 645.

§ 24.2-707. (Contingent effective date, see second enactment clause of Acts 2019, cc. 668, 669) How ballots marked and returned by mail.

As provided in the second enactment clause of Acts 2019, cc. 668, 669, the amendments made to this Code section are applicable to elections beginning with the general election on November 3, 2020.

On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644 and 24.2-646 without assistance and without making known how he marked the ballot, except as provided by § 24.2-704.

After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign the same envelope, (d) enclose the ballot envelope and any required assistance form within the envelope directed to the general registrar, and (e) seal that envelope and mail it to the office of the general registrar or deliver it personally to the general registrar. A voter's failure to provide in the statement on the back of the envelope his full middle name or his middle initial shall not be a material omission, rendering his ballot void, unless the voter failed to provide in the statement on the back of the envelope his full first and last name. A voter's failure to provide the date, or any part of the date, including the year, on which he signed the statement printed on the back of the envelope shall not be considered a material omission and shall not render his ballot void. For purposes of this chapter, "mail" shall include delivery by a commercial delivery service, but shall not include delivery by a personal courier service or another individual except as provided by §§ 24.2-703.2 and 24.2-705.

Failure to follow the procedures set forth in this section shall render the applicant's ballot void.

Code 1950, §§ 24-334, 24-337; 1956, c. 525; 1970, c. 462, § 24.1-232; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1978, c. 778; 1981, c. 425; 1993, c. 641; 1996, c. 393; 1997, cc. 429, 450; 2001, cc. 617, 624; 2002, cc. 785, 819; 2003, cc. 478, 1015; 2006, c. 438; 2014, cc. 453, 574, 575; 2015, cc. 313, 644, 645; 2019, cc. 668, 669.

Appendix B – Newport News Court Information

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF NEWPORT NEWS

THOMAS B. AMAN,
12 Club Terrace
Newport News, VA 23606,

Plaintiff,

v.

JONELL MCFADDEN,
in her official capacity as Chair, City of
Newport News Electoral Board,
2400 Washington Avenue
Newport News, VA 23607

WENDELL BARBOUR,
in his official capacity as Vice-Chair, City of
Newport News Electoral Board,
2400 Washington Avenue
Newport News, VA 23607

DELORIS THOMAS,
in her official capacity as Secretary, City of
Newport News Electoral Board,
2400 Washington Avenue
Newport News, VA 23607

and

VICKI LEWIS,
in her official capacity as General Registrar,
2400 Washington Avenue
Newport News, VA 23607,

Defendants.

Civil Action No. CU1903587B-04

~~[Proposed]~~ **ORDER**

Upon review of Plaintiff Thomas B. Aman's Emergency Motion for *Ex Temporalis* Injunction, Memorandum in Support thereof, oral argument, and good cause being shown, it is

hereby:

ORDERED that the motion is granted; and it is further

ORDERED that: The Board and Registrar shall, for any voter who is registered to vote at 1000 University Place, Newport News, VA and whose House of Delegates district assignment has not been verified by the Board and Registrar due to a lack of confirmation of the voter's physical residential address, take the following steps if such a voter appears at the Wellesley Precinct of HD-94 to vote in the November 5, 2019 General Election:

- (1) Require the voter to provide an exact residential address (to include dormitory name, ~~room number, etc.~~);
- (2) Determine if the voter resides within the Wellesley Precinct of HD-94 or within the Boulevard Precinct of HD-95; and
- (3) If the voter resides within the Boulevard Precinct of HD-95, ^{refer the voter to the Boulevard Precinct where the voter will cast a provisional ballot.} ~~provide a provisional ballot at the Wellesley Precinct for the ballot at the Boulevard Precinct so that the voter is not required to travel to a different location to lawfully cast their ballot.~~
- (4) In the event the officers of election cannot determine the voter's precinct of residence on Election day, the voter should be given a provisional ballot and the Board should work with the voter to determine the correct address within the period permitted by law for such purpose.

So ORDERED.

DATED: This 4th day of November, 2019

By: C. R. R.
The Honorable Circuit Court Judge

A COPY TESTE, Gary S. Anderson, Clerk
Newport News Circuit Court

By: Nancy Bennett, D.C.

SEEN AND AGREED:



Raymond H. Suttle, Jr. (VSB 28902)
raysuttle@jwbw.com
Jones, Blechman, Woltz & Kelly P.C.
701 Town Center Dr.
Suite 800
Newport News, Va 23606
Telephone: (757) 873-8006

Seen by Allison Thomas, Sec.
DEBORIS THOMAS

Seen by Wendell Barbour
WENDELL BARBOUR, Vice Chair

Seen by Vicki V. Lewis, GR
Vicki V. Lewis

Seen by Jonell Metadden
JONELL METADDEN, Chair