

August 16, 2022

TO: Virginia Governor Glenn Youngkin

CC: Secretary of Administration McDermid
Commissioner of Elections Beals
State Inspector General Westfall
Virginia Attorney General Miyares

FROM: Elizabeth Block, Prince William County Election Integrity Citizen Working Group

SUBJECT: Urgent Request for Special Counsel & Statewide 2020 Election Records Retention

The Prince William County Election Integrity Citizen Working Group, in alliance with multiple Virginia localities, requests a Special Counsel to investigate thoroughly statewide 2020 election activities. The Governor or Attorney General can appoint a Special Counsel under Virginia code (§ 2.2-510).

We request such action because Attorney General staff repeatedly say to the public that they defend ELECT, and independent Special Counsel will alleviate torn responsibilities of the Attorney General Office.

Virginia citizens can have confidence in future free and fair elections in Virginia only if the Commonwealth investigates and remedies irregularities and violations of the law in past elections.

In support of this Special Counsel, please take immediate steps to ensure the preservation of all digital and paper records and any other materials or records pertinent to the implementation or administration of the statewide 2020 election. These materials must remain available for the purpose of official investigation, and under the same rules for public inspection and copying, at least through September 3, 2024, or for the legally required retention period, whichever is greater, to include:

- Change of address confirmation records, including lists of voters to whom address confirmation requests have been sent.
- Election materials at all Registrars' offices for particular elections kept, including copies of Virginia absentee ballot applications, certificates of mailing, affirmation of identity and eligibility forms, poll books and poll book count sheets, officer of election oaths, statement of results, tally sheets, recounts, election day logs, incident reports, voting equipment testing and security logs.
- Receipts, Oaths and Certificates for Ballots.
- Absentee ballots list, alpha roster, confirmation list, lists of persons denied registration, registration statistic report, locality precinct statistics, error and validation report, street file activity report, and list of those who voted

- Voter registration applications: approved, cancelled, transferred out and denied, including applicant eligibility records
- Virginia Election and Registration Information Records (series 200166)
- Voting Equipment Certification Records (series 200169)
- Agreements, Memorandums of Understanding (MOU) and Non-Fiscal Contracts, including MOU and any other agreements between the Virginia State Board of Elections or the Department of Elections (ELECT) and the Virginia Department of Motor Vehicles, the Department of Homeland Security Systematic Alien Verification for Entitlements (SAVE) Program, or the Electronic Registration Information Center (ERIC).
- Correspondence/Subject Files from the Virginia State Board of Elections, the Department of Elections (ELECT) Commissioner, other ELECT Officials, County Electoral Boards, County Registrars, and all correspondence with Department of Motor Vehicles, the SAVE program, and the Electronic Registration Information Center (ERIC).

The expanded retention period allows for the Department of Elections to continue to execute elections while answering questions posed on 2020 election data, processes, and procedures.

Voting is the fundamental right voting all Citizens of the United States of America, per the Constitution of Virginia.

Free and fair elections conducted with secure, accurate and transparent standards are essential to preserving our Commonwealth, our Republic, and our God-given liberties.

A FEW OF MANY FACTS bearing on this request are enumerated in the following pages.



Elizabeth Block
Resident, Prince William County
Citizen, United States of America
Chair, Prince William County Election Integrity Citizen Working Group

1. The required 22-month statewide preservation of 2020 election records will expire at midnight on September 3, 2022. After this time the statewide records may be destroyed by Clerks of Court, §24.2-668, or General Registrar § 24.2-444.
2. Alarming ballot security issues and breaks in chain of custody of 2020 Prince William County absentee ballot preparation and mailing, one third of the 2020 Prince William County vote, allowing ballot preparation in private homes, leaving them in unlocked buildings, and post office loading docks.ⁱ
3. L&A Testing Certification form for 2020 in Prince William County was not completed for election day voting machines. As of 8-10-2022 the General Registrar has no further digital records on L&A from 2020 or any information as to L&A party notice as required by § 24.2-633,ⁱⁱ
4. Since July 2021 citizens have been asking for inspection of the 2020 Prince William tally tapes and statements of results but the request has been denied, then canceled after inspection was agreed upon, rescheduled, and canceled again, then delayed due to the sudden admission of “problems” with the tapes reported to the State Board in April 2022. Why were the results certified?
5. Starting April 13, 2022, we know and **appreciate** that the Attorney General began investigating Prince William County department of elections pursuant to Virginia code § 24.2-104 to probe possible deviations or irregularities in election administration procedures during the 2020 General Election. As the second largest county in Virginia, activities in Prince William impacts election results and activity in other counties. Statewide records retention was requested during a meeting in Prince William County on April 18, 2022,ⁱⁱⁱ
6. ELECT repeatedly issues guidance obstructing full public inspection of election materials.
7. The Department of Elections commonly alters and deletes turnout data and individual voter history data for elections without explanation. For example, adding 73,433 votes to the 2020 Election “Total Voting” report in April 2021, and changing the reported 2020 voter turnout percentage from 81.48% to 75.08% in September 2021. This voter turnout percent change equates to approximately 380,000 votes statewide,^{iv}
8. In February 2022, we know a group of citizens met with the Office of the Attorney General to discuss multiple data inconsistencies, technology and contract issues with questions impacting official data reported by ELECT. A complete investigation of the 2020 election and data retention was requested at that time.^v
9. On June 6, 2022, citizens briefed the Commissioner Beals and AG Special Assistant Lief, Office of the AG on June 6, 2022, on a number of 2020 and 2021 election data irregularities, issues and questions. This group of citizens requested 2020 record retention again at that time. No response to any question has been received, though recent staff assignments have been made to answer FOIAs on three of many data questions,^{vi}

10. The State Board of Elections, on the advice of the Department of Elections, ignored the testing laboratory's report and Technical Data Package on the DemTech ePollTab electronic poll books that contained a specific non-compliance disclaimer and certified the DemTech ePollTab electronic poll books anyway in 2020, which is a possible violation of Virginia Code § 24.2-629.^{vii}
11. We understand precinct registrant constraints were not protected by law or by ELECT policy. Therefore, early voting ballots cast could exceed normal precinct number of registered voters. A study of Per-Precinct and Per-County absentee data shows votes cannot be reconciled without violating certified Virginia Election data sources,^{viii} Further data work must be done to clarify what happened, to possibly include locality data,

The issues raised above, relating to irregularities, inconsistent and erroneous data, are only a few of many posed to ELECT and the Virginia Office of the Attorney General on several occasions. Further,

12. From April 2020 to August 2022, we are aware the Virginia Department of Motor Vehicles halted sending to the Virginia Department of Elections the non-citizen identification number ("A-number" issued by the United States Citizenship and Immigration Service (USCIS) or a similar identification number issued by another US Government agency or court) provided by its non-citizen customers to document legal presence when they were requesting services from DMV, in apparent violation of Virginia Code § 46.2-328.1(E),^{ix}
13. In 2018 or before, we see that the Virginia Department of Elections stopped exchanging information with the Department of Homeland Security under the Systematic Alien Verification for Entitlements Program (SAVE Program). This information exchange verifies that voters listed in the Virginia voter registration system are United States citizens. This is an apparent violation of Virginia Code § 24.2-404 and § 24.2-427 (B)(iii),

The facts above, and other matters, diluted the voting strength of US Citizens residing and voting in Virginia in the 2020 election.

ⁱⁱ Employee testimony at a meeting before 11 attendees. Employee reported to PWC Electoral Board in 2020.

ⁱⁱ https://drive.google.com/file/d/15ki_F4d_k5606LipiQsfRN9xw088c0xr/view?usp=sharing

ⁱⁱⁱ Meeting Minutes,

<https://docs.google.com/document/d/1Z2wPXdjTT4RHKH3UXi1VHB480bap02ev/edit?usp=sharing&oid=111614773061889413258&rtpof=true&sd=true>

^{iv} <https://wwrkds.net/wp2/theres-more-to-the-story/>

^v Meeting between Chuck Slemple - Chief Deputy Attorney General, Joshua Leif - Assistant Attorney General and Chief of Commonwealth of Virginia, Klarke W. Kilgore - Chief of External Affairs and Policy, Jon Lareau, John Mills, Ken Lubeck, Amanda Chase and staff, February 2022.

^{vi} https://drive.google.com/file/d/1CdZbEY8HTTr0kTOJYxClTVAhiNnPCgT_Z/view?usp=sharing

^{vii} https://drive.google.com/file/d/1ix44cxQH4qVCktJYK_R6gFctTlxok_wn/view?usp=sharing

^{viii} <https://wwrkds.net/wp2/va-2020-election-analysis-report-v5/.%20>

^{ix} Letter of Demand for ELECT Compliance with SB 1077, dated August 3, 2022, from Ann Gregorian to Governor Youngkin, Commissioner Beals, Chairman Brink, Secretary McDermid