DECLARATION OF STEPHANIE L. ILES
(Pursuant to 28 U.S.C. § 1746)

I, Stephanie Iles, hereby declare as follows:

1. I am the Director of Elections & General Registrar of the City of Norfolk, Virginia. In my capacity as Director of Elections & General Registrar, I am responsible for protecting the integrity of the electoral process in the City of Norfolk through maintaining accurate voter records and efficient administration of elections in accordance with federal, state, and local election laws.

2. The responsibilities of my office include providing absentee ballot applications to voters, receiving and processing voters’ absentee ballot applications; and sending voters absentee ballots along with the appropriate accompanying materials, including return envelopes and instructions for completing the ballot and voter statement on the ballot envelope. Our office is currently in the process of sending and receiving absentee ballots for the General Election for Mayor, City Council, and School Board (by Superward) scheduled for May 5, 2020 ("May General Election").
3. The spread of the novel coronavirus, along with the accompanying public health response by national, state, and local governments, is having a direct and severe impact on the May General Election and the Primary Election scheduled for June 23, 2020. For example, our office, like all City of Norfolk public buildings, is closed to the public. As a result, persons needing in-person assistance, including those who wish to vote an absentee ballot in person, are being aided through curbside assistance upon request. We are also strongly encouraging all citizens to use online services in order to register to vote, update voter registration information, or to request an absentee ballot. Moreover, our office has been short staffed for several weeks, and we have had difficulties recruiting the same number of poll workers this year as compared with recent years.

4. The health emergency and voters’ fear of contracting COVID-19 has led to an unprecedented increase in the share of voters who are requesting absentee ballots. Due to the health risks that the novel coronavirus poses for in-person interactions, our office has been encouraging City of Norfolk voters to vote at home via absentee ballot by mail. As part of that effort, we mailed postcards to 130,605 registered voters in the City of Norfolk, providing information about requesting an absentee ballot online to vote by mail. We also conducted outreach in newspapers, through social media, and in interviews with local news stations, among other methods. Through this outreach we informed voters that they may request an absentee ballot for the May General Election by using “My disability or illness” under the section of the application where they must choose a reason for voting an absentee ballot, provided they do not have another qualifying reason for voting an absentee ballot.

5. Although Governor Northam has proposed moving the May General Election to November 3, 2020, this proposal requires approval by the Virginia General Assembly, which
reconvenes on April 22, 2020. As such, we have continued to process absentee ballots for the May General Election.

6. The very first voter to return an absentee ballot for the May General Election omitted a witness signature on the ballot envelope, as required under state law. The voter made a note that they were unable to obtain a signature because they were social distancing as a result of COVID-19 and in accordance with the orders of state and national officials.

7. The Norfolk Office of Elections has since received several other absentee ballots for the May General Election whose envelopes were missing a witness signature. We have also received phone calls and other inquiries from voters asking what they should do if they do not have a witness to signature. In those cases, we have explained that the witness signature is required under law and they must try to get someone to witness their ballot, if possible. We do not know if these voters were able to comply or not.

8. Under state law and regulations, after an absentee ballot has been returned to the General Registrar office, there is no process for curing or correcting errors on the absentee ballot envelopes before Election Day. As a result, once my office receives an absentee ballot, the vote is considered cast and will be rejected as invalid if there is no witness signature on the ballot envelope.

9. When reviewing absentee ballot envelopes for compliance with the witness requirement, we simply confirm there is a signature such that the law’s requirement is met. The signature need not be legible, and we have no ability to confirm the witness’s identity.

10. After learning about voters who were unable to comply with the witness requirement as a result of the health emergency, I sent an email to the Commissioner of Elections asking if the Department of Elections planned to loosen requirements for the witness signature. I
was told that they were aware of the concern and were reviewing it, and while there was no change in the requirement at that time, we would be receiving guidance if there were any changes. To date, my office has received no guidance on this issue.

11. Based on the ballots we have received so far, inquiries from voters, and concerns from the general public, I expect that, if the absentee ballot witness requirement remains in place for the May General Election and June primary, and voters are still dealing with the impact of the COVID-19 pandemic, it will result in a disproportionate number of absentee ballots being rejected for not meeting the witness signature requirement as compared with past elections.

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct to the best of my knowledge.

Dated this 20th day of April 2020.

Stephanie L. Iles