DECLARATION OF CHRISTOPHER E. PIPER

1. I am over the age of 18, competent to offer testimony, and have personal knowledge of the facts in this Declaration.

2. I am the Commissioner of the Virginia Department of Elections. As Commissioner, I am also the Chief Elections Office in the Commonwealth. I have been employed as the Commissioner since February 10, 2018 and, over the subsequent two years, I have overseen five statewide elections, as well as a number of special and local elections.

3. The State Board of Elections, through the Department of Elections (ELECT), is required to supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections.

4. ELECT creates and provides guidance to localities for localities to follow as they create ballots, set up polling places, determine the eligibility of voters, and determine whether an absentee ballot will count. The guidance ensures that local election officials across the Commonwealth are exercising uniformity in the conduct of elections. This guidance is regularly
updated to reflect changes in the Virginia Code as well as circumstances such as conducting an
election during or proximate to a state of emergency. The guidance provided by ELECT comes
in many forms, including in person and online training events, handbooks, policy documents,
and regularly updated policy reviews of specific answers to questions posed by local election
officials.

5. The upcoming June primary election, originally scheduled for June 9, has been
postponed to June 23. Localities are required by Va. Code § 24.2-612 to have ballots ready for
in person absentee voting and to mail absentee ballots to certain voters. Further, absentee ballots
are required to be mailed to voters not later than 45 days before an election under the Uniformed
and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.). Because a number of
local general registrars’ offices are not open on Saturday, May 9, these offices will begin issuing
absentee ballots on May 8.

6. Thus, though Election Day—June 23—is more than 50 days away, voting in the
election actually begins on the day that absentee ballots are made available to voters.

7. Virginia maintains multiple safeguards against voter fraud in the context of
absentee voting. General registrars maintain lists of voters who applied for and returned
absentee ballots, and that list is attested to by the secretary of the electoral board and delivered to
the chief officer of election for each precinct. Absentee ballots are only accepted from voters
whose names appear on the attested list. When signing their absentee ballot envelope, voters
themselves must attest under penalty of perjury their identity, residence, and that they did not
double vote. Any individual who double votes or otherwise improperly uses an absentee ballot
faces severe criminal penalties for violating their attestation. Additionally, any willfully false
material statement or entry made by any person in completing their absentee ballot may be punishable as a Class 5 felony.

8. Additionally, current law requires that a voter who wishes to cast an absentee ballot by mail complete their ballot in the presence of a witness. After the voter marks the ballot and inserts it in the return envelope, the witness signs where indicated on the ballot return envelope.

9. While a political party may determine its method of nominating candidates for office, including by primary, it is the local electoral board that determines the persons who received the highest number of votes for nomination to an office, including by determining whether certain ballots were validly cast. The local electoral board then makes out abstracts and certificates of the votes cast and forwards certified copies to the State Board of Elections. In elections for members of the General Assembly, Governor, Lieutenant Governor and Attorney General, members of the United States Congress and electors of President and Vice President of the United States, and any officer shared by more than one county or city, or any combination thereof, the State Board of Elections then tabulates the returns and declares the nominee.

10. To the extent that a court order requires a change to absentee voting procedures, I will, within 12 hours of being notified of the order, issue guidance to local elections officials explaining the effect of the order on absentee voting during the June 23 primary. Additionally, ELECT will provide guidance and instructions to local elections officials to include with absentee ballots that are mailed to the voter.

11. In addition, ELECT will issue a press release regarding any changes as a result of the court order and will post relevant information on its website and social media accounts.
12. In order for ELECT and the State Board of Elections to comply with their obligation to ensure uniformity, legality, and purity in elections, a determination of the standards and procedures applicable to the June 23 primary election and to absentee voting in that primary is necessary. To the extent that there is a change, such expedient determination will ensure that ELECT and the State Board of Elections have sufficient time to publicize this change to the voters and to local elections officials. If such a determination is not quickly made, there may be challenges raised with respect to the uniformity in conducting the June 23 primary election.

13. If absentee voters are sent absentee ballots as required on May 9 and there is a later court ordered change to absentee ballot procedures, the uniformity of the June 23 primary election may be impaired. Additionally, a ruling issued after the start of absentee voting will sow voter confusion and impede the ability of election officials to ascertain which absentee ballots have been validly cast.

\textbf{Safety for Voters, Poll Workers, and Others}

14. As the Commissioner of the Department of Elections and as the Chief Elections Officer of Virginia, I believe that it is of extreme importance that we protect both the health and voting rights of those absentee voters who would otherwise have to violate social distancing requirements and jeopardize their well-being just to exercise their fundamental right to vote.

15. While certain personal protective equipment (PPE) is being secured for officers of election at polling locations, PPE has not been secured for voters who will be voting in person at the June 23, 2020 primary election. PPE is in short-supply worldwide and priority has been given to first responders and health care workers.

\textbf{List Maintenance Responsibilities}
16. On April 28, 2020, ELECT received a letter dated April 27, 2020 from the Public Interest Legal Foundation. The letter described alleged violations of section 8(a)(3) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)(3)) and alleges that Virginians who had moved away or died were still included on Virginia’s voter rolls.

17. Voter list maintenance is entirely unrelated to the witness requirement. The requirements relating to maintaining the Virginia voter rolls are provided under Article 2 of Chapter 4 of Title 24.2 of the Virginia Code. The procedures that a qualified voter must take in completing an absentee ballot are governed under Va. Code §§ 24.2-706 and 24.2-707. How a qualified voter casts their absentee ballot has no bearing on whether that voter is qualified to be registered and whether Virginia is required to remove them from the voter rolls.

18. Regardless of the unrelated nature of the claims relating to ELECT’s voter list maintenance procedures, ELECT uses rigorous procedures to ensure that its voter list maintenance obligations are followed.

19. Under the 2018 Joint Legislative Audit and Review Commission (JLARC) report, JLARC found that “ELECT uses fairly comprehensive sources and robust procedures to maintain the [voter registration] list.”¹

20. ELECT was a founding member of the Electronic Registration Information Center (ERIC), which is a multistate partnership that uses a sophisticated and secure data-matching tool to improve the accuracy and efficiency of state voter registration systems. Through participation

in ERIC, states can compare official data on eligible voters to keep voter rolls more complete and up-to-date.²

21. ELECT strives to make Virginia a national leader in the practices of list maintenance. ELECT does so by cooperating with many other states to maintain accurate voter lists, consulting with local elections officials, conducting an annual address match of Virginia’s voters against records in the United States Postal Service’s National Change of Address registry, and regularly conducting voter list maintenance with respect to felon records, records relating to mentally incapacitated adjudications, and death records.

In accordance with 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 1, 2020

Christopher E. Piper

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